

EXHIBIT “A”

SUM-100

SUMMONS
(CITACION JUDICIAL)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

MemorialCare Medical Group d/b/a MemorialCare

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

Laura Moore, on behalf of herself and all others similarly situated

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es): Los Angeles Superior Court

Stanley Mosk Courthouse, 111 North Hill Street, Los Angeles, CA 90012

CASE NUMBER:
(Número del Caso):

22STCV35388

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Tina Wolfson (SBN 174806), AHDOOT & WOLFSON, PC, 2600 W. Olive Avenue, Suite 500, Burbank, CA 91505; Tel: (310) 474-9111

DATE: 11/07/2022

(Fecha)

Clerk, by Sherri R. Carter Executive Officer / Clerk of Court, Deputy
(Secretario) G. Carini (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]



NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☐ on behalf of (specify):
under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):
4. ☐ by personal delivery on (date):

Page 1 of 1

Electronically Filed by Superior Court of California, County of Los Angeles on 11/07/2022 07:46 PM Sherri R. Carter, Executive Officer/Clerk of Court, by G. Carini, Deputy Clerk

1 Tina Wolfson (SBN 174806)
 twolfson@ahdootwolfson.com
 2 Robert Ahdoot (SBN 172098)
 rahdoot@ahdootwolfson.com
 3 Christopher E. Stiner (SBN 276033)
 cstiner@ahdootwolfson.com
 4 **AHDOOT & WOLFSON, PC**
 2600 W. Olive Avenue, Suite 500
 5 Burbank, CA 91505
 Telephone: (310) 474-9111
 6 Facsimile: (310) 474-4521

7 Gary M. Klinger (*pro hac vice* to be filed)
 8 gklinger@milberg.com
MILBERG COLEMAN BRYSON
PHILLIPS GROSSMAN, PLLC
 9 227 W. Monroe Street, Suite 2100
 10 Chicago, IL 60606
 11 Telephone: (847) 208-4585

12 *Attorneys for Plaintiff and the Putative Class*

13 [Additional counsel appear on signature page]
 14

15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
 16 **IN AND FOR THE COUNTY OF LOS ANGELES**
 17

18 LAURA MOORE, on behalf of herself and
 all others similarly situated,

19 Plaintiff,

20 v.

21 MEMORIALCARE MEDICAL GROUP d/b/a
 22 MEMORIALCARE,

23 Defendant.
 24
 25
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Case No.: **22STCV35388**

CLASS ACTION COMPLAINT

JURY TRIAL DEMANDED

1 Plaintiff Laura Moore (“Plaintiff”), on behalf of herself and all others similarly situated (the
2 “Class Members”), by and through her attorneys, makes the following allegations based on knowledge
3 as to herself and upon information and belief, including further investigation conducted by Plaintiff’s
4 counsel, as to all other matters.

5 **NATURE OF THE ACTION**

6 1. This is a data privacy class action lawsuit brought on behalf of all California residents
7 who have accessed www.memorialcare.org, a website Defendant owns and operates, and who had their
8 personally identifiable information and/or protected health information improperly disclosed to
9 Facebook as a result of using Defendant’s website.

10 2. Defendant aids employs, agrees, and conspires with Facebook to intercept
11 communications sent and received by Plaintiff and Class Members, including communications
12 containing protected medical information.

13 3. Plaintiffs and Class Members used www.memorialcare.org to search and locate
14 physicians, schedule medical appointments, and find treatment options. Defendant also encouraged its
15 patients to use additional web features—such as the general search bar and chat feature—to enter search
16 queries and ask specific questions regarding their medical conditions and healthcare options.

17 4. Unbeknownst to Plaintiff and Class Members, and pursuant to the systematic process
18 described herein, patients’ private and protected communications with www.memorialcare.org were
19 automatically transmitted and communicated to Facebook, alongside other information—including but
20 not limited to individual patients’ IP addresses, physical locations, and unique and persistent Facebook
21 ID—as a result of Defendant’s decision to install and use tracking pixels on its website.

22 5. As a result of Defendant’s unauthorized transmission of its patients’ identities and online
23 activity, including information and search results related to their private medical treatment, to a third
24 party, Plaintiff brings this action for legal and equitable remedies resulting from the violations of the
25 California Invasion of Privacy Act, the California Confidentiality of Medical Information Act, and for
26 the Invasion of Privacy Under California’s Constitution.

JURISDICTION AND VENUE

6. The Court has personal jurisdiction over Defendant because Defendant resides in and does business in the State of California.

7. This is a class action brought pursuant to Code of Civil Procedure section 382, and this Court has jurisdiction over the Plaintiff's claims because the amount in controversy exceeds this Court's jurisdictional minimum.

8. Federal jurisdiction under the Class Action Fairness Action, 28 U.S.C. §1332(d), is lacking because the proposed class of plaintiffs is limited to citizens of the state of California.

9. Venue is proper under Code of Civil Procedure sections 395(a) and 395.5 and Civil Code section 1780(c) because a substantial part of the events or omissions giving rise to the claims asserted herein occurred in this county. Attached to this Complaint is a Consumer Legal Remedies Act Affidavit of Venue demonstrating that this Court is the proper venue for Plaintiff's claims.

THE PARTIES

10. MemorialCare Medical Group d/b/a MemorialCare ("MemorialCare" or "Defendant") is registered as a nonprofit entity with its principal place of business in California. Defendant employs approximately 11,000 individuals, with over 3,000 medical staff physicians, and, as of June 30, 2021, had an annual revenue of approximately \$732,000,000. As the owner and operator of MemorialCare Long Beach Medical Center among other medical centers and operations, Defendant offers a full range of medical services, including primary and outpatient care, and treats thousands of patients each year.

11. Plaintiff Laura Moore is an adult citizen of the state of California and is domiciled in Long Beach, California. On numerous occasions from 2016 to 2021, Plaintiff Moore accessed www.memorialcare.org on her phone and desktop and used the website to look for health care providers. Plaintiff Moore has used and continues to use the same devices to maintain and access an active Facebook account throughout the relevant period in this case. Pursuant to the systematic process described herein, MemorialCare assisted Facebook with intercepting Plaintiff Moore's communications, including those that contained personally identifiable information, protected health information, and related confidential information. MemorialCare assisted these interceptions without Plaintiff Moore's knowledge, consent, or express written authorization. By failing to receive the

1 requisite consent, Defendant breached confidentiality and unlawfully disclosed Plaintiff Moore’s
2 personally identifiable information and protected health information.

3 FACTUAL ALLEGATIONS

4 A. Background of the California Information Privacy Act (“CIPA”)

5 12. The CIPA, Cal. Penal Code §§ 630, *et seq.*, prohibits aiding or permitting another person
6 to willfully—and without the consent of all parties to a communication—read or learn the contents or
7 meaning of any message, report, or communication while the same is in transit or passing over any
8 wire, line, or cable, or is being sent from or received at any place within California.

9 13. To establish liability under section 631(a), a plaintiff need only establish that the
10 defendant, “by means of any machine, instrument, contrivance, or in any other manner,” does any of
11 the following:

- 12 • Intentionally taps, or makes any unauthorized connection, whether physically,
13 electrically, acoustically, inductively or otherwise, with any telegraph or telephone wire,
14 line, cable, or instrument, including the wire, line, cable, or instrument of any internal
telephonic communication system; or
- 15 • Willfully and without the consent of all parties to the communication, or in any
16 unauthorized manner, reads or attempts to read or learn the contents or meaning of any
17 message, report, or communication while the same is in transit or passing over any wire,
18 line or cable or is being sent from or received at any place within this state; or
- 19 • Uses, or attempts to use, in any manner, or for any purpose, or to communicate in any
20 way, any information so obtained; or
- 21 • Aids, agrees with, employs, or conspires with any person or persons to unlawfully do,
or permit, or cause to be done any of the acts or things mentioned above in this section.

22 14. Section 631(a) is not limited to phone lines, but also applies to “new technologies” such
23 as computers, the Internet, and email. *See Matera v. Google Inc.*, No. 15-cv-4062-LHK, 2016 WL
24 8200619, at *21 (N.D. Cal. Aug. 12, 2016) (CIPA applies to “new technologies” and must be construed
25 broadly to effectuate its remedial purpose of protecting privacy); *Bradley v. Google, Inc.*, No. 06-cv-
26 5289-WHA, 2006 WL 3798134, at *5-6 (N.D. Cal. Dec. 22, 2006) (CIPA governs “electronic
27 communications”); *In re Facebook, Inc. Internet Tracking Litigation*, 956 F.3d 589 (9th Cir. 2020)
28 (reversing dismissal of CIPA and common law privacy claims based on Facebook’s collection of
consumers’ internet browsing history).

15. Under California Penal Code section 637.2, Plaintiff and Class Members may seek injunctive relief and statutory damages of \$2,500 per violation.

B. Background of the California Confidentiality of Medical Information Act (“CMIA”)

16. Pursuant to the California Confidentiality of Medical Information Act, Cal. Civ. Code §§ 56, *et seq.*, “A provider of health care . . . shall not disclose medical information regarding a patient of the provider of health care . . . without first obtaining an authorization, except as provided in subdivision (b) or (c).” Cal. Civ. Code § 56.10(a).¹ “An authorization for the release of medical information . . . shall be valid if it:

(a) Is handwritten by the person who signs it or is in a typeface no smaller than 14-point type.

(b) Is clearly separate from any other language present on the same page and is executed by a signature which serves no other purpose than to execute the authorization.

(c) Is signed and dated . . .

(d) States the specific uses and limitations on the types of medical information to be disclosed.

(e) States the name or functions of the provider of health care, health care service plan, pharmaceutical company, or contractor that may disclose the medical information.

(f) States the name or functions of the persons or entities authorized to receive the medical information.

(g) States the specific uses and limitations on the use of the medical information by the persons or entities authorized to receive the medical information.

(h) States a specific date after which the provider of health care, health care service plan, pharmaceutical company, or contractor is no longer authorized to disclose the medical information.

(i) Advises the person signing the authorization of the right to receive a copy of the authorization.

¹ Subdivisions (b) and (c) are not relevant to this case but permit the disclosure of medical information in situations where a government investigation or lawsuit is taking place. For example, MemorialCare could bypass the authorization requirement if patient medical information was requested pursuant to a lawful court order or by a party to a proceeding before a court or administrative agency pursuant to a subpoena. *See* Cal. Civ. Code §§ 56.10(b)(3), 56.10(b)(6).

1 Cal. Civ. Code § 56.11.

2 17. Moreover, a health care provider that maintains information for purposes covered by the
3 CMIA is liable for negligent disclosures that arise as the result of an affirmative act—such as
4 implementing a system that records and discloses online patients’ personally identifiable information
5 and protected health information. Cal. Civ. Code § 56.36(c).² Similarly, if a negligent release occurs
6 and medical information concerning a patient is improperly viewed or otherwise accessed, the
7 individual need not suffer actual damages. Cal. Civ. Code § 56.36(b).

8 18. “In addition to any other remedies available at law, any individual may bring an action
9 against any person or entity who has negligently released confidential information or records
10 concerning him or her in violation of this part, for either or both of the following: [¶] (1) ... nominal
11 damages of one thousand dollars (\$1,000). In order to recover under this paragraph, it shall not be
12 necessary that the plaintiff suffered or was threatened with actual damages. [¶] (2) The amount of actual
13 damages, if any, sustained by the patient.” *Sutter Health v. Superior Ct.*, 227 Cal. App. 4th 1546, 1551,
14 (2014) (quoting Cal. Civ. Code § 56.36(b)).

15 **C. MemorialCare’s Website**

16 19. MemorialCare is the largest health system headquartered in Orange County, California.
17 MemorialCare’s network includes several hospitals (Orange Coast Medical Center, Saddleback
18 Medical Center, Long Beach Medical Center and Miller Children’s & Women’s Hospital Long Beach),
19 MemorialCare Medical Group and Greater Newport Physicians, MemorialCare Research,
20 MemorialCare Select Health Plan, and numerous outpatient ambulatory surgery, and specialty care
21 centers.

22 20. MemorialCare Long Beach Medical Center, for example, is a 435-bed regional medical
23 center that offers a full range of medical services, including primary and outpatient care. MemorialCare
24

25
26 ² “Every provider of health care . . . who creates, maintains, preserves, stores, abandons, destroys, or
27 disposes of medical information shall do so in a manner that preserves the confidentiality of the
28 information contained therein. Any provider of health care . . . who negligently creates, maintains,
preserves, stores, abandons, destroys, or disposes of medical information shall be subject to the remedies
and penalties provided under subdivisions (b) and (c) of Section 56.36.” Cal. Civ. Code § 56.101(a).

1 Long Beach Medical Center’s services, include, but are not limited to: blood donation, breast care,
 2 cancer care, diabetes care, digestive care, emergency care, gynecological care, heart and vascular care,
 3 hospice services, imaging and radiology, joint replacement, laboratory services, lung and respiratory
 4 care, mental health, nursing services, orthopedic care, palliative care, physical therapy and
 5 rehabilitation services. Defendant’s coverage area includes 23 zip codes, representing 12 cities and
 6 communities, and it provides medical services to 1,059,713 people each year, based on Defendant’s
 7 own estimates as of 2021.

8 21. Defendant’s website, www.memorialcare.org, is accessible on mobile devices and
 9 desktop computers. MemorialCare also allows users to interact with its health system via several mobile
 10 applications available for download on Android and iPhone devices.

11 **D. Facebook’s Platform and its Business Tools**

12 22. Facebook describes itself as a “real identity platform,”³ meaning users are allowed only
 13 one account and must share “the name they go by in everyday life.”⁴ To that end, when creating an
 14 account, users must provide their first and last name, along with their birthday and gender.⁵

15 23. In 2021, Facebook generated \$117 billion in revenue.⁶ Roughly 97% of that came from
 16 selling advertising space.⁷

21 ³ Sam Schechner and Jeff Horwitz, *How Many Users Does Facebook Have? The Company Struggles*
 22 *to Figure It Out*, WALL. ST. J. (Oct. 21, 2021), [https://www.wsj.com/articles/how-many-users-does-](https://www.wsj.com/articles/how-many-users-does-facebook-have-the-company-struggles-to-figure-it-out-11634846701)
 23 [facebook-have-the-company-struggles-to-figure-it-out-11634846701](https://www.wsj.com/articles/how-many-users-does-facebook-have-the-company-struggles-to-figure-it-out-11634846701).

24 ⁴ *Facebook Community Standards: Account Integrity and Authentic Identity*, FACEBOOK, [https://](https://transparency.fb.com/policies/community-standards/account-integrity-and-authentic-identity/)
 25 transparency.fb.com/policies/community-standards/account-integrity-and-authentic-identity/ (last
 26 visited Nov. 7, 2022).

27 ⁵ *Sign Up*, FACEBOOK, <https://www.facebook.com/> (last visited Nov. 7, 2022).

28 ⁶ *Meta Reports Fourth Quarter and Full Year 2021 Results*, FACEBOOK (Feb. 2, 2022), [https://investor.](https://investor.fb.com/investor-news/press-release-details/2022/Meta-Reports-Fourth-Quarter-and-Full-Year-2021-Results/default.aspx)
[fb.com/investor-news/press-release-details/2022/Meta-Reports-Fourth-Quarter-and-Full-Year-2021-](https://investor.fb.com/investor-news/press-release-details/2022/Meta-Reports-Fourth-Quarter-and-Full-Year-2021-Results/default.aspx)
[Results/default.aspx](https://investor.fb.com/investor-news/press-release-details/2022/Meta-Reports-Fourth-Quarter-and-Full-Year-2021-Results/default.aspx).

⁷ *Id.*

24. Facebook sells advertising space by highlighting its ability to target users.⁸ Facebook can target users so effectively because it surveils user activity both on and off its site.⁹ This allows Facebook to make inferences about users beyond what they explicitly disclose, like their “interests,” “behavior,” and “connections.”¹⁰ Facebook compiles this information into a generalized dataset called “Core Audiences,” which advertisers use to apply highly specific filters and parameters for their targeted advertisements.¹¹

25. Advertisers can also build “Custom Audiences.”¹² Custom Audiences enables advertisers to reach “people who have already shown interest in [their] business, whether they’re loyal customers or people who have used [their] app or visited [their] website.”¹³ With Custom Audiences, advertisers can target existing customers directly, and they can also build a “Lookalike Audiences,” which “leverages information such as demographics, interests, and behavior from your source audience to find new people who share similar qualities.”¹⁴ Unlike Core Audiences, advertisers can build Custom Audiences and Lookalike Audiences only if they first supply Facebook with the underlying data. They can do so through two mechanisms: by manually uploading contact information for customers, or by utilizing Facebook’s “Business Tools.”¹⁵

⁸ *Why Advertise on Facebook, Instagram or other Meta technologies*, FACEBOOK, <https://www.facebook.com/business/help/205029060038706> (last visited Nov. 7, 2022).

⁹ *About Meta Pixel*, FACEBOOK, <https://www.facebook.com/business/help/742478679120153?id=1205376682832142> (last visited Nov. 7, 2022).

¹⁰ *Ad Targeting: Help your ads find the people who will love your business*, FACEBOOK, <https://www.facebook.com/business/ads/ad-targeting> (last visited Nov. 7, 2022).

¹¹ *Core Audiences*, FACEBOOK, <https://www.facebook.com/business/news/Core-Audiences> (last visited Nov. 7, 2022).

¹² *About Custom Audiences*, FACEBOOK, <https://www.facebook.com/business/help/744354708981227?id=2469097953376494> (last visited Nov. 7, 2022).

¹³ *Ad Targeting: Help your ads find the people who will love your business*, FACEBOOK, <https://www.facebook.com/business/ads/ad-targeting> (last visited Nov. 7, 2022).

¹⁴ *About Lookalike Audiences*, FACEBOOK, <https://www.facebook.com/business/help/164749007013531?id=401668390442328> (last visited Nov. 7, 2022).

¹⁵ *Create a customer list Custom Audience*, FACEBOOK, <https://www.facebook.com/business/help/1704> (footnote continued)

1 26. As Facebook puts it, the Business Tools “help website owners and publishers, app
2 developers and business partners, including advertisers and others, integrate with Meta, understand and
3 measure their products and services, and better reach and serve people who might be interested in their
4 products and services.”¹⁶ Put more succinctly, Facebook’s Business Tools are bits of code that
5 advertisers can integrate into their website, mobile applications, and servers, thereby enabling Facebook
6 to intercept and collect user activity on those platforms.

7 27. The Business Tools are automatically configured to capture certain data, like when a
8 user visits a webpage, that webpage’s Universal Resource Locator (“URL”) and metadata, or when a
9 user downloads a mobile application or makes a purchase.¹⁷ Facebook’s Business Tools can also track
10 other events. Facebook offers a menu of “standard events” from which advertisers can choose,
11 including what content a visitor views or purchases.¹⁸ Advertisers can even create their own tracking
12 parameters by building a “custom event.”¹⁹

13 28. One such Business Tool is the Facebook Tracking Pixel. Facebook offers this piece of
14 code to advertisers, like MemorialCare, to integrate into their website. As the name implies, the
15 Facebook Pixel “tracks the people and type of actions they take.”²⁰ When a user accesses a website
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17 56843145568?id=2469097953376494 (last visited Nov. 7, 2022); *Create a Website Custom Audience*,
18 FACEBOOK, <https://www.facebook.com/business/help/1474662202748341?id=2469097953376494>
19 (last visited Nov. 7, 2022).

20 ¹⁶ *The Meta Business Tools*, FACEBOOK, <https://www.facebook.com/help/331509497253087> (last
21 visited Nov. 7, 2022).

22 ¹⁷ *See Meta Pixel: Advanced*: FACEBOOK, [https://developers.facebook.com/docs/facebook-pixel/](https://developers.facebook.com/docs/facebook-pixel/advanced/)
23 [advanced/](https://developers.facebook.com/docs/facebook-pixel/advanced/) (last visited Nov. 7, 2022); *see also Best practices for Meta Pixel setup*, FACEBOOK,
24 <https://www.facebook.com/business/help/218844828315224?id=1205376682832142> (last visited Nov.
25 7, 2022); *App Events API*, FACEBOOK, [https://developers.facebook.com/docs/marketing-api/app-event-](https://developers.facebook.com/docs/marketing-api/app-event-api/)
26 [api/](https://developers.facebook.com/docs/marketing-api/app-event-api/) (last visited Nov. 7, 2022).

27 ¹⁸ *Specifications for Meta Pixel standard events*, FACEBOOK, [https://www.facebook.com/business/help/](https://www.facebook.com/business/help/402791146561655?id=1205376682832142)
28 [402791146561655?id=1205376682832142](https://www.facebook.com/business/help/402791146561655?id=1205376682832142) (Nov. 7, 2022).

¹⁹ *About standard and custom website events*, FACEBOOK, [https://www.facebook.com/business/help/96](https://www.facebook.com/business/help/964258670337005?id=1205376682832142)
[4258670337005?id=1205376682832142](https://www.facebook.com/business/help/964258670337005?id=1205376682832142) (Nov. 7, 2022); *App Events API*, FACEBOOK, [https://](https://developers.facebook.com/docs/marketing-api/app-event-api/)
developers.facebook.com/docs/marketing-api/app-event-api/ (Nov. 7, 2022).

²⁰ *Retargeting*, FACEBOOK, <https://www.facebook.com/business/goals/retargeting> (last visited Nov. 7,
2022).

1 that has installed the Facebook Pixel into its code, Facebook’s software script surreptitiously directs
2 the user’s browser to send a separate message to Facebook’s servers. This second, secret transmission
3 contains the original GET request sent to the host website, along with additional data that the Facebook
4 Pixel is configured to collect. This transmission is initiated by Facebook code and concurrent with the
5 communications with the host website. Two sets of code are thus automatically run as part of the
6 browser’s attempt to load and read Defendant’s websites—Defendant’s own code, and Facebook’s
7 embedded code.

8 29. An example illustrates the point. When an individual navigates to
9 www.memorialcare.org and clicks on a particular physician’s profile—or any other webpage installed
10 with Facebook Pixel—the individual’s browser sends a GET request to Defendant’s server requesting
11 that server to load the particular webpage. Facebook Pixel, via cookies and embedded code, silently
12 instructs the user’s browser to duplicate and transmit the user’s communications with
13 www.memorialcare.org, sending the corresponding data to Facebook’s servers, alongside additional
14 information that transcribes the communication’s content and the individual’s identity.

15 30. After collecting and intercepting this information, Facebook processes it, analyzes it,
16 and assimilates it into datasets like Core Audiences and Custom Audiences.

17 **E. How MemorialCare Discloses Class Members Protected Health Information and Assists**
18 **with Intercepting Communications**

19 31. Through the Facebook Pixel, Defendant shares its patients’ identities and online activity,
20 including information and search results related to their private medical treatment.

21 32. For example, when a patient visits www.memorialcare.org to search for a doctor, they
22 may select the “Find a Provider” button, which takes them to the “Find a Provider” page.
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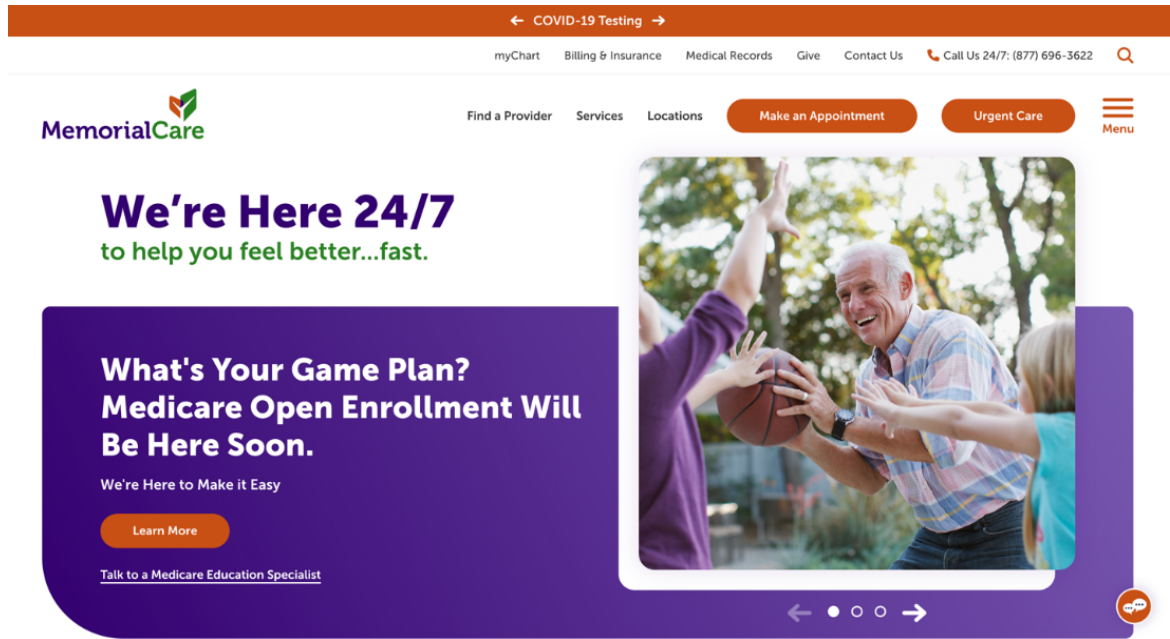


Figure 1. Image of www.memorialcare.org's landing page.

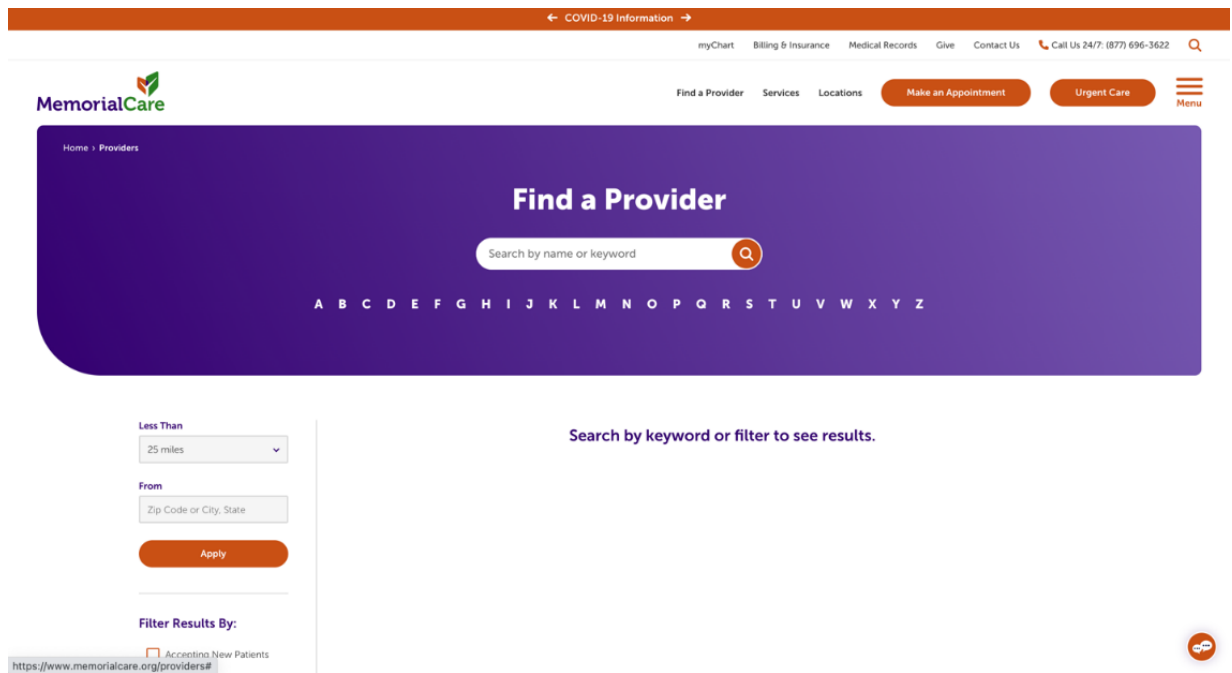


Figure 2. Defendant directs patients to its “Find a Provider” webpage.

33. If a patients selects filters or enters keywords into the search bar on the “Find a Provider” webpage, the filters and search terms are transmitted via the Facebook Pixel. Similarly, if a patient uses the websites’ general search bar or chat, the terms and phrases the patient types are transmitted to

Facebook, even if they contain a patient's treatment, procedures, medical conditions, and related queries.

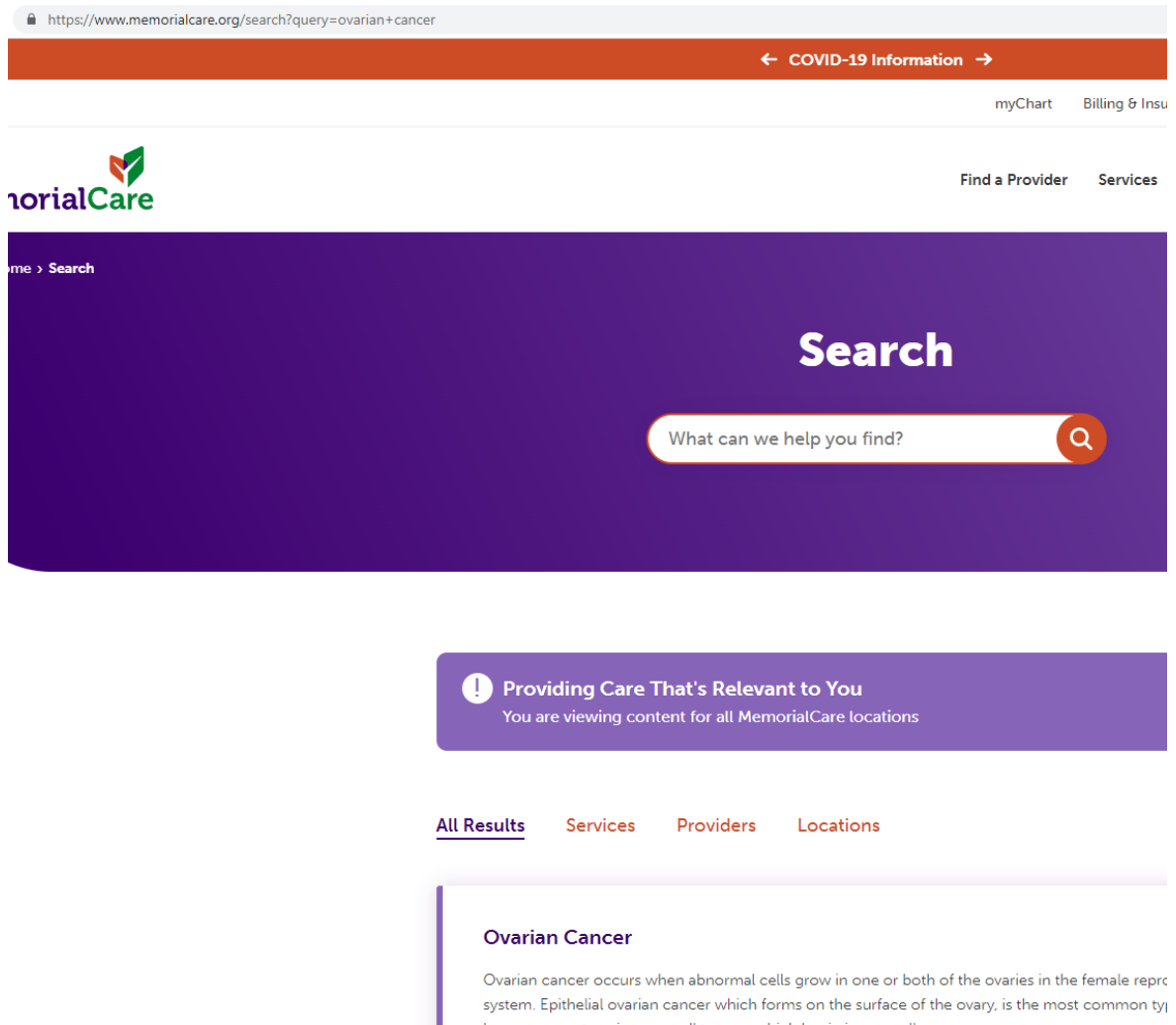


Figure 3.²¹

²¹ On information and belief, the text users type into the search bar is transmitted and included in the web address and URL that corresponds with the search results. <https://www.memorialcare.org/search?query=ovarian+cancer> (last accessed Nov. 1, 2022).

34. The “Find a Provider” page also allows patients to narrow search results based on distance from a particular location, “Hospital,” “Medical Group,” and the provider’s “Specialty.” Patients can also narrow their search results based on the provider’s gender and spoken languages.

The screenshot displays a search interface for finding a provider. It includes several filter sections:

- Less Than:** A dropdown menu currently showing "25 miles".
- From:** A text input field labeled "Zip Code or City, State".
- Apply:** A prominent orange button.
- Filter Results By:** A section with three checkboxes:
 - ☐ Accepting New Patients
 - ☐ Accepting Virtual Visits
 - ☐ Book Appointment Online
- Specialty:** A text input field labeled "Search or Select".
- Hospital:** A text input field labeled "Search or Select".
- Medical Group:** A section with three checkboxes:
 - ☐ MemorialCare Medical Group
 - ☐ Greater Newport Physicians
 - ☐ Edinger Medical Group
- Insurances Accepted:** A text input field labeled "Search or Select". Below it, a note states "Medical Group is required".
- Language:** A text input field labeled "Search or Select".
- Gender:** A section with two radio buttons:
 - ☐ Male
 - ☐ Female

Figures 4 & 5.

35. After taking any of these actions on the Find a Provider page, patients are subsequently directed to the “Provider Search Results” page, and their selections or search parameters are automatically transmitted.

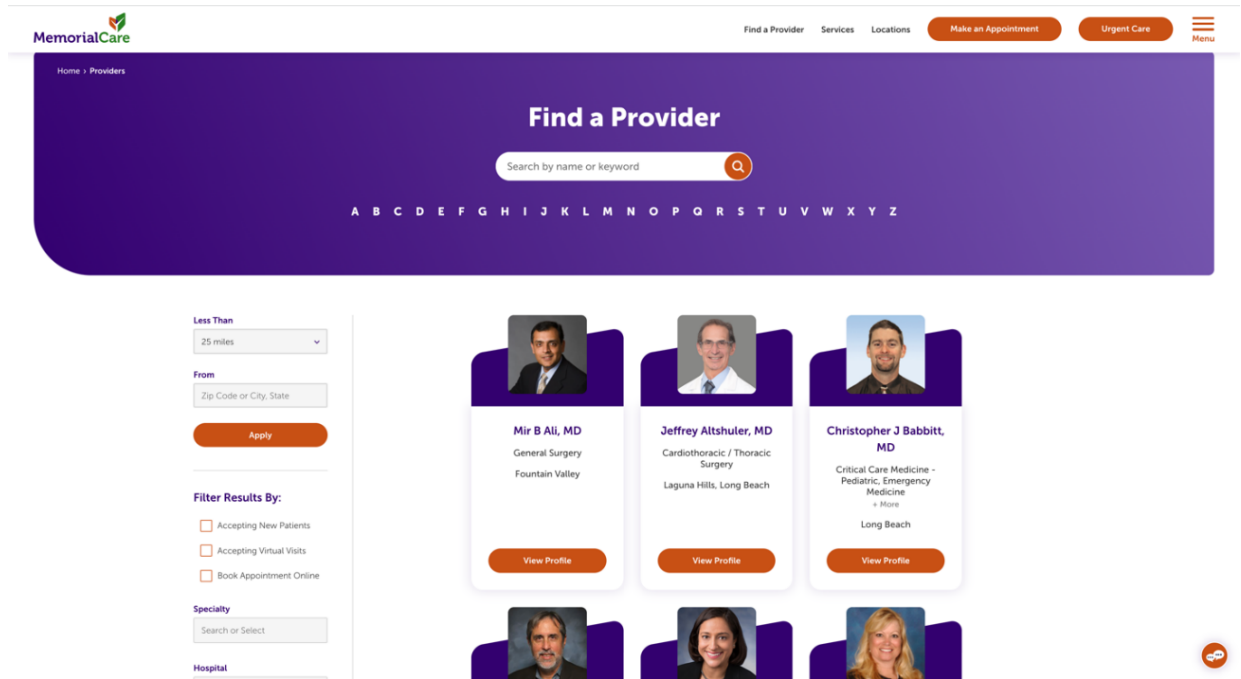


Figure 7. Defendant’s “Find a Provider” webpage identifies doctors that fit the patient’s search criteria.

36. Once a patient chooses a doctor, all of the information that patient has submitted is automatically sent directly to Facebook. On information and belief, the information transmitted to Facebook includes: (1) the patient’s unique and persistent Facebook ID (c_user ID), (2) the fact that the patient clicked on a specific provider’s profile page (Dr. Allison Diamant in the example below), (3) the patient’s search parameters (demonstrating they specifically searched for a female doctor, specialized in Internal Medicine, who is also recognized as an “LGBTQ Champion,”), and (4) the patient’s location filter (demonstrating the patient sought a provider located in Santa Monica).


```
+ https://www.facebook.com/tr/?id=222836392271290&ev=Microdata&dl=https%3A%2F%2Fwww.uclahealth.org%2Fproviders%2F%2Ffallison-diamant&rl=https%3A%2F%2Fwww.uclahealth.org%2Fproviders%2Fsearch%3Ff%255B%255D%3Dbook-online%253A1%26f%255B1%255D%3Dgender%253Afemale%26f%255B2%255D%3Dlgbtq-champion%253A1%26f%255B3%255D%3Dspecialty%253A48291%26s%3Dsanta%2520monica&if=false&ts=1642513633375&cd[DataLayer]=%5B%5D&cd[Meta]=%7B%22title%22%3A%22Allison%20L.%20Diamant%2C%20MD%2C%20MSHS%20%7C%20Internal%20Medicine%20-%20Santa%20Monica%2C%20CA%22%7D&cd[OpenGraph]=%7B%7D&cd[Schema.org]=%5B%5D&cd[JSON-LD]=%5B%5D&sw=1536&sh=864&v=2.9.48&r=stable&ec=1&o=30&fbp=fb.1.1642500078069.168398461&it=1642513631801&coo=false&dpo=LDU&dpoco=0&dpost=0&es=automatic&tm=3&exp=p1&rqm=GET
```

HEADERS

```
+ accept: image/avif,image/webp,image/apng,image/svg+xml,image/*,*/*;q=0.8
+ accept-encoding: gzip, deflate, br
+ accept-language: en-US,en;q=0.9
+ connection: keep-alive
+ cookie: sb=pI_mYbDjWuo9xL0ujLYAqmgj; datr=pY_mYUQlZBjV0goTvf8Fc5kk; dpr=1.25;
c_user=1000709430000; xs=31%3AixsejnhZuCR64w%3A2%3A1642500031%3A-1%3A-1;
fr=0lFW0ez5zBqyosnvK.AWUQ0z3006Xiyeb4ABdDft7tfpw.Bh5o-k.XV.AAA.0.0.Bh5o-
_.AWWrZTrctzQ; spin=r.1004946732_b.trunk_t.1642500037_s.1_v.2_
+ host: www.facebook.com
+ referer: https://www.uclahealth.org/
```

Figure 8.²²

37. Defendant's website also includes a feature that allows patients to book appointments through a particular doctor's profile page. If a patient clicks on the "Schedule an Appointment" button, this action is communicated and shared with Facebook. Facebook classifies this event as a "SubscribedButtonClick," which indicates that the patient clicked the specific button (in order to book the appointment). Similarly, each doctor's profile page includes a direct link that allows patient to call the doctor's office, and, upon clicking the telephone number button, the patient's click is shared with Facebook.

²² The screenshot above serves as example and demonstrates the types of data transmitted during an HTTP single communication session. This information is automatically sent from the patient's device to Facebook, and it reveals the patients FID (c_user field) along with each search filter the patient selected.

+ https://www.facebook.com/tr/?id=22283639271290&ev=SubscribedButtonClick&dl=https%3A%2F%2Fwww.uclahealth.org%2Fproviders%2Fallison-diamant&url=https%3A%2F%2Fwww.uclahealth.org%2Fproviders%2Fsearch%3F%255B0%255Dbook-online%253A1%26%255B1%255D%255Dgender%253Afemale%26%255B2%255D%255Dlgbtq-champion%253A1%26%255B3%255D%255Dspecialty%253A48291%26%253Dsanta%2520monica&if=false&ts=1642515885628&cd[buttonFeatures]=%7B%22classList%22%3A%22button%20button--primary-alt%20button--small%22%2C%22destination%22%3A%22%2C%22id%22%3A%22%2C%22imageUrl%22%3A%22%2C%22innerText%22%3A%22Book%20an%20Appointment%22%2C%22numChildButtons%22%3A0%2C%22tag%22%3A%22button%22%2C%22name%22%3A%22%2C%22value%22%3A%22%2C%22%7D&cd[buttonText]=Book%20an%20Appointment&cd[formFeatures]=%5B%5D&cd[pageFeatures]=%7B%22title%22%3A%22Allison%20L.%20Diamant%2C%20MD%2C%20MSH%20%7C%20Internal%20Medicine%20-%20Santa%20Monica%2C%20CA%22%7D&cd[parameters]=%5B%5D&sw=1920&sh=1080&v=2.9.48&r=stable&ec=2&o=30&fbp=fb.1.1642500078069.168398461&it=1642513631801&coo=false&dpo=LDU&dpc o=0&dpost=0&es=automatic&tm=3&exp=p1&rqm=GET

```
+ accept: image/avif,image/webp,image/apng,image/svg+xml,image/*,*/*;q=0.8
+ accept-encoding: gzip, deflate, br
+ accept-language: en-US,en;q=0.9
+ connection: keep-alive
+ cookie: sb=pI_mYbDjWuo9xL0UjLYAqmgj; datr=pY_mYUQLzBjV0goTvf8Fc5kk; dpr=1.25;
  c_user=10007[REDACTED]; xs=31%3AixsejnhZuCR64w%3A2%3A1642500031%3A-1%3A-1;
  fr=0lFW0ez5zBqyosnvK.AWUQ0z3006XiyeB4ABdDft7tfpw.Bh5o-k.XV.AAA.0.0.Bh5o-_.AWWrZTrctzQ;
  spin=r.1004946732_b.trunk_t.1642500037_s.1_v.2_
+ host: www.facebook.com
+ referer: https://www.uclahealth.org/
```

- 15 -

```
path: /tr/?id=222836392271290&ev=Microdata&dl=https%3A%2F%2Fwww.uclahealth.org%2Fsearch%3Fs%3D
DHIV%2520medicine%26f%255B0%255D%3Dtype%253Aprovider&rl=https%3A%2F%2Fwww.uclahealth.org%2Fsearch%3Fs%3D
DHIV%2Bmedicine&if=false&ts=1642515745868&cd[DataLayer]=%5B%5D&cd[Meta]=%7B%22title%22%3A%22Search%20%7C%20UCLA%20Health%22%7D&cd[OpenGraph]=%7B%7D&cd[Schema.org]=%5B%5D&cd[JS
ON-LD]=%5B%5D&sw=1536&sh=864&v=2.9.48&r=stable&ec=1&o=30&fbp=fb.1.1640625648232.661784334&it=
1642515743709&coo=false&dpo=LDU&dpoco=0&dpost=0&es=automatic&tm=3&exp=p0&rqm=GET

:scheme: https

accept: image/avif,image/webp,image/apng,image/svg+xml,image/*,*/*;q=0.8

accept-encoding: gzip, deflate, br

accept-language: en-US,en;q=0.9,he-IL;q=0.8,he;q=0.7

cookie: sb=qw4iYT-Z_p8ybndz7VKkxq52; datr=qw4iYVv80fZiYfpI_z08FMZV; c_user=100[REDACTED]; xs
=37%3AJEnZ42UJabsIfa%3A2%3A1640864938%3A-1%3A15115%3A%3AAcWemPx7dfxnqoAvSk8IUPvioF-7BcofON1zd
WMT0A; fr=05JHLDPPaBUvMEtHs.AwVpgo6XJQAt2aEm_xHvpeF2Fog.Bh3rtS.tx.AAA.0.0.Bh3rtS.AwW_E1mH7nY;
dpr=1.25
```

²⁴ Figures 11 and 12 are not specific to Defendant's web page or to Plaintiff's search queries but nonetheless demonstrate *how* and *what* is communicated via the Facebook Pixel. Importantly, this (footnote continued)

39. Each time Defendant sends this activity data, it also discloses a patient's personally identifiable information.

40. A user who accesses Defendant's website while logged into Facebook will transmit the c_user cookie to Facebook, which contains that user's unencrypted Facebook ID. When accessing memorialcare.org, for example, Facebook receives even cookies, six of which are visible here:

presence	C%7B...	.facebook.com
xs	3%3Ar...	.facebook.com
c_user	10003...	.facebook.com
fr	00ZpYJ...	.facebook.com
datr	MalzYj...	.facebook.com
sb	qqAzY...	.facebook.com

Figure 14

41. When a visitor's browser has recently logged out of an account, Facebook compels the visitor's browser to send a smaller set of cookies.²⁵

fr	00Zp...	.facebook.com
wd	1156...	.facebook.com
sb	qqAz...	.facebook.com
datr	Malz...	.facebook.com

Figure 15

42. The fr cookie contains, at least, an encrypted Facebook ID and browser identifier.²⁶ Facebook, at a minimum, uses the fr cookie to identify users.²⁷ At each stage, Defendant also utilizes

occurred without Plaintiff's knowledge or consent because patients' communications with www.memorialcare.org are simultaneously duplicated and transmitted to Facebook, alongside their unique Facebook ID (c_user ID), during a single HTTP communication session.

²⁵ Not pictured here and in the preceding image is the _fbp cookie, which is transmitted as a first-party cookie.

²⁶ *Facebook Ireland Ltd: Report of Re-Audit*, DATA PROTECTION COMMISSIONER (Sept. 21, 2012), http://www.europe-v-facebook.org/ODPC_Review.pdf.

²⁷ *Cookies Policy*, FACEBOOK, <https://www.facebook.com/policy/cookies/> (last visited Nov. 7, 2022).

1 the _fbp cookie, which attaches to a browser as a first-party cookie, and which Facebook uses to
2 identify a browser and a user.²⁸

3 43. The fr cookie expires after 90 days unless the visitor's browser logs back into Facebook
4 or is otherwise used to visit the same website.²⁹ If that happens, the time resets, and another 90 days
5 begins to accrue.³⁰

6 44. The Facebook Tracking Pixel uses both first and third-party cookies. A first-party
7 cookie is "created by the website the user is visiting"—i.e., www.memorialcare.org.³¹ A third-party
8 cookie is "created by a website with a domain name other than the one the user is currently visiting"—
9 i.e., Facebook.³² The _fbp cookie is always transmitted as a first-party cookie. A duplicate _fbp cookie
10 is sometimes sent as a third-party cookie, depending on whether the browser has recently logged into
11 Facebook.

12 45. Facebook, at a minimum, uses the fr, _fbp, and c_user cookies to link to Facebook IDs
13 and corresponding Facebook profiles, and, as shown in the above figures, Defendant sends these
14 identifiers alongside the event data.

15 46. Plaintiff never consented, agreed, authorized, or otherwise permitted Defendant to
16 disclose her personally identifiable information and protected health information and assist with
17 intercepting her communications. Plaintiff was never provided with any written notice that Defendant
18 discloses its website users' protected health information, nor was she provided any means of opting out
19 of such disclosures. Defendant nonetheless knowingly disclosed Plaintiff's protected health
20 information to Facebook.

21
22
23 ²⁸ *Id.*

24 ²⁹ *Id.*

25 ³⁰ Confirmable through developer tools.

26 ³¹ *First-party cookie*, PC MAG, <https://www.pcmag.com/encyclopedia/term/first-party-cookie> (last
27 visited Nov. 7, 2022). This is confirmable by using developer tools to inspect a website's cookies and
track network activity.

28 ³² *Id.* This is also confirmable by tracking network activity.

1 the Class. The identity of such membership is readily ascertainable from MemorialCare's records and
 2 non-party Facebook's records.

3 52. **Typicality.** Plaintiff's claims are typical of the claims of the Class because Plaintiff used
 4 www.memorialcare.org and had her personally identifiable information and protected health
 5 information disclosed to Facebook without her express written authorization or knowledge. Plaintiff's
 6 claims are based on the same legal theories as the claims of other Class members.

7 53. **Adequacy.** Plaintiff is fully prepared to take all necessary steps to represent fairly and
 8 adequately the interests of the Class members. Plaintiff's interests are coincident with, and not
 9 antagonistic to, those of the members of the Class. Plaintiff is represented by attorneys with experience
 10 in the prosecution of class action litigation generally and in the emerging field of digital privacy
 11 litigation specifically. Plaintiff's attorneys are committed to vigorously prosecuting this action on
 12 behalf of the members of the Class.

13 54. **Common Questions of Law and Fact Predominate/Well Defined Community of**
 14 **Interest.** Questions of law and fact common to the members of the Class predominate over questions
 15 that may affect only individual members of the Class because Defendant has acted on grounds generally
 16 applicable to the Class. Such generally applicable conduct is inherent in Defendant's wrongful conduct.
 17 Questions of law and fact common to the Classes include:

- 18 (a) Whether Defendant intentionally tapped the lines of internet communication between
 19 patients and their medical providers;
- 20 (b) Whether Defendant's website surreptitiously records personally identifiable
 21 information, protected health information, and related communications and
 22 subsequently, or simultaneously, discloses that information to Facebook;
- 23 (c) Whether Facebook is a third-party eavesdropper;
- 24 (d) Whether Defendant's disclosures of personally identifiable information, protected
 25 health information, and related communications constitute an affirmative act of
 26 communication;

- 1 (e) Whether Defendant’s conduct, which allowed Facebook—an unauthorized person—to
 2 view Plaintiff’s and Class members’ personally identifiable information and protected
 3 health information, resulted in a breach of confidentiality;
- 4 (f) Whether Defendant violated Plaintiff’s and Class members’ privacy rights by using
 5 Facebook’s tracking pixel to record and communicate online patients’ FIDs alongside
 6 their confidential medical communications;
- 7 (g) Whether Plaintiff and Class members are entitled to damages under CIPA, the CMIA,
 8 or any other relevant statute;
- 9 (h) Whether Defendant’s actions violate Plaintiff’s and Class members’ privacy rights as
 10 provided by the California Constitution;

11 55. **Superiority.** Class action treatment is a superior method for the fair and efficient
 12 adjudication of the controversy. Such treatment will permit a large number of similarly situated persons
 13 to prosecute their common claims in a single forum simultaneously, efficiently, and without the
 14 unnecessary duplication of evidence, effort, or expense that numerous individual actions would
 15 engender. The benefits of proceeding through the class mechanism, including providing injured persons
 16 or entities a method for obtaining redress on claims that could not practicably be pursued individually,
 17 substantially outweighs potential difficulties in management of this class action. Plaintiff knows of no
 18 special difficulty to be encountered in litigating this action that would preclude its maintenance as a
 19 class action.

20 CLAIMS FOR RELIEF

21 COUNT I

22 Violations of the California Invasion of Privacy Act, 23 Cal. Penal Code § 631

24 56. Plaintiff repeats the allegations contained in the paragraphs above as if fully set forth
 25 herein and bring this Count individually and on behalf of the members of the Class.

26 57. The California Invasion of Privacy Act (“CIPA”) is codified at Cal. Penal Code §§ 630
 27 to 638. The Act begins with its statement of purpose.

28 The Legislature hereby declares that advances in science and technology have led
 to the development of new devices and techniques for the purpose of

eavesdropping upon private communications and that the invasion of privacy resulting from the continual and increasing use of such devices and techniques has created a serious threat to the free exercise of personal liberties and cannot be tolerated in a free and civilized society.

Cal. Penal Code § 630.

58. California penal Code section 631(a) provides, in pertinent part:

Any person who, by means of any machine, instrument, or contrivance, or in any other manner ... willfully and without the consent of all parties to the communication, or in any unauthorized manner, reads, or attempts to read, or to learn the contents or meaning of any message, report, or communication while the same is in transit or passing over any wire, line, or cable, or is being sent from, or received at any place within this state; or who uses, or attempts to use, in any manner, or for any purpose, or to communicate in any way, any information so obtained, or *who aids, agrees with, employs, or conspires* with any person or persons to unlawfully do, or permit, or cause to be done any of the acts or things mentioned above in this section, is punishable by a fine not exceeding two thousand five hundred dollars (\$2,500).

Cal. Penal Code § 631(a) (emphasis added).

59. A defendant must show it had the consent of *all* parties to a communication.

60. At all relevant times, Defendant aided, agreed with, and conspired with Facebook to track and intercept Plaintiff's and Class Members' internet communications while accessing www.memorialcare.org. They intercepted these communications without authorization and consent from Plaintiff and Class Members.

61. Defendant, when aiding and assisting Facebook's eavesdropping, intended to help Facebook learn some meaning of the content in the URLs and the content the visitor requested.

62. The following items constitute "machine[s], instrument[s], or contrivance[s]" under the CIPA, and even if they do not, the Facebook Tracking Pixel falls under the broad catch-all category of "any other manner":

- a. The computer codes and programs Facebook used to track Plaintiff's and the Class Members' communications while they were navigating memorialcare.org;
- b. The Plaintiff's and Class Member's browsers;
- c. The Plaintiff's and Class Members' computing and mobile devices;
- d. Facebook's web and ad servers;

1 e. The web and ad-servers from which Facebook tracked and intercepted the Plaintiff's
2 and Class Members' communications while they were using a web browser to access or
3 navigate the memorialcare.org;

4 f. The computer codes and programs used by Facebook to effectuate its tracking and
5 interception of the Plaintiff's and Class Members' communications while they were
6 using a browser to visit Defendant's website; and

7 g. The plan Facebook carried out to effectuate its tracking and interception of the Plaintiff's
8 and Class Members' communications while they were using a web browser or mobile
9 application to visit Defendant's website.

10 63. Defendant failed to disclose that it is used Facebook Pixel specifically to track and
11 automatically transmit its patients' private and confidential communications to a third party, i.e.,
12 Facebook. Moreover, the Patient Privacy Notice states that sharing information about patients for
13 marketing or sale of health information requires patients' authorization (as it does for every disclosure
14 of health information not provided for under the Privacy Policy).

15 64. The patient communication information that Defendant transmitted using Facebook
16 Pixel, such as doctor appointment booking information, constitutes protected health information.

17 65. As demonstrated hereinabove, Defendant violated CIPA by aiding and permitting third
18 parties to receive its patients' online communications through its website without their consent.

19 66. By disclosing Plaintiff's and the Class's Private Health Information, Defendant violated
20 Plaintiff's and Class Members' statutorily protected right to privacy.

21 67. As a result of the above violations, Defendant is liable to the Plaintiff and other Class
22 Members for actual damages related to their loss of privacy in an amount to be determined at trial or
23 alternatively for "liquidated damages not less than \$2,500 per plaintiff." Pursuant to CIPA Section
24 637.2, any person who has been injured by a violation of CIPA may recover \$5,000 dollars per violation
25 or three times the amount of actual damages (the greater of these two options). Additionally, Section
26 637.2 specifically states that "[it] is not a necessary prerequisite to an action pursuant to this section
27 that the plaintiffs has suffered, or be threatened with, actual damages."
28

68. Under the statute, Defendant is also liable for reasonable attorney's fees, and other litigation costs, injunctive and declaratory relief, and punitive damages in an amount to be determined by a jury, but sufficient to prevent the same or similar conduct by the Defendant in the future.

COUNT II
Violations Of the California Confidentiality of Medical Information Act
Cal. Civ. Code § 56.10

69. Under the California Confidentiality of Medical Information Act ("CMIA") section 56.10, providers of health care are prohibited from disclosing medical information relating to their patients, without a patient's authorization. Medical information refers to "any individually identifiable information, in electronic or physical form, in possession of or derived from a provider of health care . . . regarding a patient's medical history, mental or physical condition, or treatment. 'Individually Identifiable' means that the medical information includes or contains any element of personal identifying information sufficient to allow identification of the individual" Cal. Civ. Code § 56.05.

70. Plaintiff and Class Members are patients, and, as a health care provider, Defendant has an ongoing obligation to comply with the CMIA's requirements.

71. As set forth hereinabove, Facebook ID is an identifier sufficient to allow identification of an individual. Along with patients' Facebook ID, MemorialCare discloses to Facebook several pieces of information regarding its patients' use of its website, which includes, but is not limited to: patient medical conditions, medical concerns, treatment patients are seeking, doctor appointments, medical specialty of the doctor(s) searched for by patients, and patient information regarding COVID-19.

72. This patient information is derived from a provider of health care regarding patients' medical treatment and physical condition. Accordingly, it constitutes medical information pursuant to the CMIA.

73. As demonstrated hereinabove, MemorialCare failed to obtain its patients' authorization for the disclosure of medical information and failed to disclose in its Privacy Policy and Privacy Practices that it shares protected health information for marketing purposes.

74. Pursuant to CMIA section 56.11, a valid authorization for disclosure of medical information must be (1) "clearly separate from any other language present on the same page and is executed by a signature which serves no other purpose than to execute the authorization" (2) signed

1 and dated by the patient or his representative (3) state the name and function of the third party that
 2 receives the information (4) state a specific date after which the authorization expires. Accordingly, the
 3 information set forth in MemorialCare's Privacy Policy, Patient Privacy Notice, and Terms of Use do
 4 not qualify as a valid authorization.

5 75. Based on the above, MemorialCare violated the CMIA by disclosing its patients'
 6 medical information with Facebook along with the patients' Facebook ID.

7 76. Under the CMIA, a patient may recover compensatory damages, punitive damages not
 8 to exceed \$3,000 dollars and attorneys' fees not to exceed \$1,000, and the costs of litigation for any
 9 violating disclosure of medical information. Alternatively, a patient may recover nominal damages of
 10 \$1,000 for any negligent release of medical information.

11 **COUNT III**
 12 **Invasion of Privacy Under California's Constitution**

13 77. Plaintiff repeats the allegations contained in the foregoing paragraphs as if fully set forth
 14 herein and bring this claim individually and on behalf of the members of the proposed Class.

15 78. Plaintiff and Class Members have an interest in: (1) precluding the dissemination and/or
 16 misuse of their sensitive, confidential communications and protected health information; and (2)
 17 making personal decisions and/or conducting personal activities without observation, intrusion or
 18 interference, including, but not limited to, the right to visit and interact with various internet sites
 19 without being subjected to wiretaps without Plaintiff's and Class Members' knowledge or consent.

20 79. At all relevant times, by using Facebook's tracking pixel to record and communicate
 21 patients' FIDs alongside their confidential medical communications, MemorialCare intentionally
 22 invaded Plaintiff's and Class Members' privacy rights under the California Constitution.

23 80. Plaintiff and Class Members had a reasonable expectation that their communications,
 24 identity, health information, and other data would remain confidential and that MemorialCare would
 25 not install wiretaps on www.memorialcare.org.

26 81. Plaintiff and Class Members did not authorize MemorialCare to record and transmit
 27 Plaintiff's and Class Members' private medical communications alongside their personally identifiable
 28 health information.

DEMAND FOR JURY TRIAL

85. Plaintiff, on behalf of herself and the proposed Class, demand a trial by jury for all of the claims asserted in this Complaint so triable.

Dated: November 7, 2022



Tina Wolfson (SBN 174806)
twolfson@ahdootwolfson.com
Robert Ahdoot (SBN 172098)
rahdoot@ahdootwolfson.com
Christopher E. Stiner (SBN 276033)
cstiner@ahdootwolfson.com
AHDOOT & WOLFSON, PC
2600 W. Olive Avenue, Suite 500
Burbank, CA 91505
Telephone: (310) 474-9111
Facsimile: (310) 474-4521

Andrew W. Ferich*
aferich@ahdootwolfson.com
AHDOOT & WOLFSON, PC
201 King of Prussia Road, Suite 650
Radnor, PA 19087
Telephone: (310) 474-9111
Facsimile: (310) 474-4521

Gary M. Klinger*
gklinger@milberg.com
**MILBERG COLEMAN BRYSON
PHILLIPS GROSSMAN, PLLC**
227 W. Monroe Street, Suite 2100
Chicago, IL 60606
Telephone: (847) 208-4585

Nick Suciu III*
nsuciu@milberg.com
**MILBERG COLEMAN BRYSON
PHILLIPS GROSSMAN, PLLC**
6905 Telegraph Rd., Suite 115
Bloomfield Hills, MI 48301
Telephone: (313) 303-3482
Facsimile: (865) 522-0049

**Pro hac vice application forthcoming*

Attorneys for Plaintiff and the Putative Class

Case 2:22-cv-09468 Document 1-1 Filed 11/30/22 Page 31 of 102 Page ID #: 45
 ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
 Tina Wolfson (SBN 174806)
 AHDOOT & WOLFSON, PC, 2600 W. Olive Avenue, Suite 500, Burbank, CA 91505

TELEPHONE NO.: (310) 474-9111 FAX NO. (Optional): (310) 474-4521
 E-MAIL ADDRESS: twolfson@ahdootwolfson.com
 ATTORNEY FOR (Name): Plaintiff Laura Moore

FOR COURT USE ONLY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

STREET ADDRESS: 111 North Hill Street
 MAILING ADDRESS:
 CITY AND ZIP CODE: Los Angeles, CA 90012
 BRANCH NAME: Stanley Mosk Courthouse

CASE NAME:
 Laura Moore v. MemorialCare Medical Group d/b/a MemorialCare

CIVIL CASE COVER SHEET

☒ **Unlimited** ☐ **Limited**
 (Amount (Amount
 demanded demanded is
 exceeds \$25,000) \$25,000 or less)

Complex Case Designation

☐ Counter ☐ Joinder
 Filed with first appearance by defendant
 (Cal. Rules of Court, rule 3.402)

CASE NUMBER:

22STCV35388

JUDGE:

DEPT.:

*Items 1–6 below must be completed (see instructions on page 2).*1. Check **one** box below for the case type that best describes this case:**Auto Tort**

☐ Auto (22)
☐ Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

☐ Asbestos (04)
☐ Product liability (24)
☐ Medical malpractice (45)
☐ Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort

☐ Business tort/unfair business practice (07)
☐ Civil rights (08)
☐ Defamation (13)
☐ Fraud (16)
☐ Intellectual property (19)
☐ Professional negligence (25)
☒ Other non-PI/PD/WD tort (35)

Employment

☐ Wrongful termination (36)
☐ Other employment (15)

Contract

☐ Breach of contract/warranty (06)
☐ Rule 3.740 collections (09)
☐ Other collections (09)
☐ Insurance coverage (18)
☐ Other contract (37)

Real Property

☐ Eminent domain/Inverse condemnation (14)
☐ Wrongful eviction (33)
☐ Other real property (26)

Unlawful Detainer

☐ Commercial (31)
☐ Residential (32)
☐ Drugs (38)

Judicial Review

☐ Asset forfeiture (05)
☐ Petition re: arbitration award (11)
☐ Writ of mandate (02)
☐ Other judicial review (39)

**Provisionally Complex Civil Litigation
(Cal. Rules of Court, rules 3.400–3.403)**

☐ Antitrust/Trade regulation (03)
☐ Construction defect (10)
☐ Mass tort (40)
☐ Securities litigation (28)
☐ Environmental/Toxic tort (30)
☐ Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment

☐ Enforcement of judgment (20)

Miscellaneous Civil Complaint

☐ RICO (27)
☐ Other complaint (*not specified above*) (42)

Miscellaneous Civil Petition

☐ Partnership and corporate governance (21)
☐ Other petition (*not specified above*) (43)

2. This case ☒ is ☐ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a. ☐ Large number of separately represented parties d. ☒ Large number of witnesses
 b. ☒ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. ☐ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
 c. ☒ Substantial amount of documentary evidence f. ☐ Substantial postjudgment judicial supervision

3. Remedies sought (*check all that apply*): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☒ punitive4. Number of causes of action (*specify*): 3 - Violations of Cal. Penal Code § 631, Cal. Civ. Code § 56.10, Invasion of Privacy5. This case ☒ is ☐ is not a class action suit.6. If there are any known related cases, file and serve a notice of related case. (*You may use form CM-015.*)

Date: November 7, 2022

Tina Wolfson

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the Civil Case Cover Sheet contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the Civil Case Cover Sheet to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)–Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other P/DPD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (*not asbestos or toxic/environmental*) (24)
Medical Malpractice (45)
Medical Malpractice—Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/DPD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/DPD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/DPD/WD

Non-PI/DPD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (*not medical or legal*)
Other Non-PI/DPD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease
Contract (*not unlawful detainer or wrongful eviction*)
Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (*not provisionally complex*) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (*non-domestic relations*)
Sister State Judgment
Administrative Agency Award (*not unpaid taxes*)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (*not specified above*) (42)
Declaratory Relief Only
Injunctive Relief Only (*non-harassment*)
Mechanics Lien
Other Commercial Complaint Case (*non-tort/non-complex*)
Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (*not specified above*) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition

SHORT TITLE Moore v. MemorialCare Medical Group d/b/a MemorialCare	CASE NUMBER 22STCV35388
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CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION**(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.3 in all new civil case filings in the Los Angeles Superior Court

Step 1: After completing the Civil Case Cover Sheet (Judicial Council form CM-010), find the exact case type in Column A that corresponds to the case type indicated in the Civil Case Cover Sheet.

Step 2: In Column B, check the box for the type of action that best describes the nature of the case.

Step 3: In Column C, circle the number which explains the reason for the court filing location you have chosen.

Applicable Reasons for Choosing Courthouse Location (Column C)

1. Class Actions must be filed in the Stanley Mosk Courthouse, Central District.	7. Location where petitioner resides.
2. Permissive filing in Central District.	8. Location wherein defendant/respondent functions wholly.
3. Location where cause of action arose.	9. Location where one or more of the parties reside.
4. Location where bodily injury, death or damage occurred.	10. Location of Labor Commissioner Office.
5. Location where performance required, or defendant resides.	11. Mandatory filing location (Hub Cases – unlawful detainer, limited non-collection, limited collection).
6. Location of property or permanently garaged vehicle.	

	A Civil Case Cover Sheet Case Type	B Type of Action (check only one)	C Applicable Reasons (see Step 3 above)
Auto Tort	Auto (22)	<input type="checkbox"/> 2201 Motor Vehicle – Personal Injury/Property Damage/Wrongful Death	1, 4
	Uninsured Motorist (46)	<input type="checkbox"/> 4601 Uninsured Motorist – Personal Injury/Property Damage/Wrongful Death	1, 4
Other Personal Injury/ Property Damage/ Wrongful Death	Other Personal Injury/ Property Damage/ Wrongful Death (23)	<input type="checkbox"/> 2301 Premise Liability (e.g., dangerous conditions of property, slip/trip and fall, dog attack, etc.)	1, 4
		<input type="checkbox"/> 2302 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, battery, vandalism, etc.)	1, 4
		<input type="checkbox"/> 2303 Intentional Infliction of Emotional Distress	1, 4
		<input type="checkbox"/> 2304 Other Personal Injury/Property Damage/Wrongful Death	1, 4
		<input type="checkbox"/> 2305 Elder/Dependent Adult Abuse/Claims Against Skilled Nursing Facility	1, 4
		<input type="checkbox"/> 2306 Intentional Conduct – Sexual Abuse Case (in any form)	1, 4

SHORT TITLE Moore v. MemorialCare Medical Group d/b/a MemorialCare	CASE NUMBER
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	A Civil Case Cover Sheet Case Type	B Type of Action (check only one)	C Applicable Reasons (see Step 3 above)
		<input type="checkbox"/> 2307 Construction Accidents	1, 4
		<input type="checkbox"/> 2308 Landlord – Tenant Habitability (e.g., bed bugs, mold, etc.)	1, 4
Other Personal Injury/ Property Damage/ Wrongful Death	Product Liability (24)	<input type="checkbox"/> 2401 Product Liability (not asbestos or toxic/ environmental)	1, 4
		<input type="checkbox"/> 2402 Product Liability – Song-Beverly Consumer Warranty Act (CA Civil Code §§1790-1795.8) (Lemon Law)	1, 3, 5
	Medical Malpractice (45)	<input type="checkbox"/> 4501 Medical Malpractice – Physicians & Surgeons	1, 4
		<input type="checkbox"/> 4502 Other Professional Health Care Malpractice	1, 4
Non-Personal Injury/Property Damage/Wrongful Death Tort	Business Tort (07)	<input type="checkbox"/> 0701 Other Commercial/Business Tort (not fraud or breach of contract)	1, 2, 3
	Civil Rights (08)	<input type="checkbox"/> 0801 Civil Rights/Discrimination	1, 2, 3
	Defamation (13)	<input type="checkbox"/> 1301 Defamation (slander/libel)	1, 2, 3
	Fraud (16)	<input type="checkbox"/> 1601 Fraud (no contract)	1, 2, 3
	Professional Negligence (25)	<input type="checkbox"/> 2501 Legal Malpractice	1, 2, 3
		<input type="checkbox"/> 2502 Other Professional Malpractice (not medical or legal)	1, 2, 3
	Other (35)	<input checked="" type="checkbox"/> 3501 Other Non-Personal Injury/Property Damage Tort	1, 2, 3
Employment	Wrongful Termination (36)	<input type="checkbox"/> 3601 Wrongful Termination	1, 2, 3
	Other Employment (15)	<input type="checkbox"/> 1501 Other Employment Complaint Case	1, 2, 3
		<input type="checkbox"/> 1502 Labor Commissioner Appeals	10
Contract	Breach of Contract / Warranty (06) (not insurance)	<input type="checkbox"/> 0601 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction)	2, 5
		<input type="checkbox"/> 0602 Contract/Warranty Breach – Seller Plaintiff (no fraud/negligence)	2, 5
		<input type="checkbox"/> 0603 Negligent Breach of Contract/Warranty (no fraud)	1, 2, 5
		<input type="checkbox"/> 0604 Other Breach of Contract/Warranty (no fraud/ negligence)	1, 2, 5
		<input type="checkbox"/> 0605 Breach of Rental/Lease Contract (COVID-19 Rental Debt)	2, 5
	Collections (09)	<input type="checkbox"/> 0901 Collections Case – Seller Plaintiff	5, 6, 11
		<input type="checkbox"/> 0902 Other Promissory Note/Collections Case	5, 11
		<input type="checkbox"/> 0903 Collections Case – Purchased Debt (charged off consumer debt purchased on or after January 1, 2014)	5, 6, 11
		<input type="checkbox"/> 0904 Collections Case – COVID-19 Rental Debt	5, 11
	Insurance Coverage (18)	<input type="checkbox"/> 1801 Insurance Coverage (not complex)	1, 2, 5, 8

SHORT TITLE Moore v. MemorialCare Medical Group d/b/a MemorialCare	CASE NUMBER
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	A Civil Case Cover Sheet Case Type	B Type of Action (check only one)	C Applicable Reasons (see Step 3 above)
Contract (Continued)	Other Contract (37)	<input type="checkbox"/> 3701 Contractual Fraud	1, 2, 3, 5
		<input type="checkbox"/> 3702 Tortious Interference	1, 2, 3, 5
		<input type="checkbox"/> 3703 Other Contract Dispute (not breach/insurance/fraud/negligence)	1, 2, 3, 8, 9
Real Property	Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> 1401 Eminent Domain/Condemnation Number of Parcels _____	2, 6
	Wrongful Eviction (33)	<input type="checkbox"/> 3301 Wrongful Eviction Case	2, 6
	Other Real Property (26)	<input type="checkbox"/> 2601 Mortgage Foreclosure	2, 6
		<input type="checkbox"/> 2602 Quiet Title	2, 6
		<input type="checkbox"/> 2603 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2, 6
Unlawful Detainer	Unlawful Detainer – Commercial (31)	<input type="checkbox"/> 3101 Unlawful Detainer – Commercial (not drugs or wrongful eviction)	6, 11
	Unlawful Detainer – Residential (32)	<input type="checkbox"/> 3201 Unlawful Detainer – Residential (not drugs or wrongful eviction)	6, 11
	Unlawful Detainer – Post Foreclosure (34)	<input type="checkbox"/> 3401 Unlawful Detainer – Post Foreclosure	2, 6, 11
	Unlawful Detainer – Drugs (38)	<input type="checkbox"/> 3801 Unlawful Detainer – Drugs	2, 6, 11
Judicial Review	Asset Forfeiture (05)	<input type="checkbox"/> 0501 Asset Forfeiture Case	2, 3, 6
	Petition re Arbitration (11)	<input type="checkbox"/> 1101 Petition to Compel/Confirm/Vacate Arbitration	2, 5
	Writ of Mandate (02)	<input type="checkbox"/> 0201 Writ – Administrative Mandamus	2, 8
		<input type="checkbox"/> 0202 Writ – Mandamus on Limited Court Case Matter	2
		<input type="checkbox"/> 0203 Writ – Other Limited Court Case Review	2
	Other Judicial Review (39)	<input type="checkbox"/> 3901 Other Writ/Judicial Review	2, 8
		<input type="checkbox"/> 3902 Administrative Hearing	2, 8
		<input type="checkbox"/> 3903 Parking Appeal	2, 8
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> 0301 Antitrust/Trade Regulation	1, 2, 8
	Asbestos (04)	<input type="checkbox"/> 0401 Asbestos Property Damage	1, 11
		<input type="checkbox"/> 0402 Asbestos Personal Injury/Wrongful Death	1, 11

SHORT TITLE Moore v. MemorialCare Medical Group d/b/a MemorialCare	CASE NUMBER
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	A Civil Case Cover Sheet Case Type	B Type of Action (check only one)	C Applicable Reasons (see Step 3 above)
Provisionally Complex Litigation (Continued)	Construction Defect (10)	<input type="checkbox"/> 1001 Construction Defect	1, 2, 3
	Claims Involving Mass Tort (40)	<input type="checkbox"/> 4001 Claims Involving Mass Tort	1, 2, 8
	Securities Litigation (28)	<input type="checkbox"/> 2801 Securities Litigation Case	1, 2, 8
	Toxic Tort Environmental (30)	<input type="checkbox"/> 3001 Toxic Tort/Environmental	1, 2, 3, 8
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> 4101 Insurance Coverage/Subrogation (complex case only)	1, 2, 5, 8
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> 2001 Sister State Judgment	2, 5, 11
		<input type="checkbox"/> 2002 Abstract of Judgment	2, 6
		<input type="checkbox"/> 2003 Confession of Judgment (non-domestic relations)	2, 9
		<input type="checkbox"/> 2004 Administrative Agency Award (not unpaid taxes)	2, 8
		<input type="checkbox"/> 2005 Petition/Certificate for Entry of Judgment Unpaid Tax	2, 8
		<input type="checkbox"/> 2006 Other Enforcement of Judgment Case	2, 8, 9
Miscellaneous Civil Complaints	RICO (27)	<input type="checkbox"/> 2701 Racketeering (RICO) Case	1, 2, 8
	Other Complaints (not specified above) (42)	<input type="checkbox"/> 4201 Declaratory Relief Only	1, 2, 8
		<input type="checkbox"/> 4202 Injunctive Relief Only (not domestic/harassment)	2, 8
		<input type="checkbox"/> 4203 Other Commercial Complaint Case (non-tort/noncomplex)	1, 2, 8
		<input type="checkbox"/> 4304 Other Civil Complaint (non-tort/non-complex)	1, 2, 8
Miscellaneous Civil Petitions	Partnership Corporation Governance (21)	<input type="checkbox"/> 2101 Partnership and Corporation Governance Case	2, 8
	Other Petitions (not specified above) (43)	<input type="checkbox"/> 4301 Civil Harassment with Damages	2, 3, 9
		<input type="checkbox"/> 4302 Workplace Harassment with Damages	2, 3, 9
		<input type="checkbox"/> 4303 Elder/Dependent Adult Abuse Case with Damages	2, 3, 9
		<input type="checkbox"/> 4304 Election Contest	2
		<input type="checkbox"/> 4305 Petition for Change of Name/Change of Gender	2, 7
		<input type="checkbox"/> 4306 Petition for Relief from Late Claim Law	2, 3, 8
		<input type="checkbox"/> 4307 Other Civil Petition	2, 9

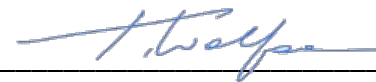
SHORT TITLE Moore v. MemorialCare Medical Group d/b/a MemorialCare	CASE NUMBER
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Step 4: Statement of Reason and Address: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected. Enter the address, which is the basis for the filing location including zip code. (No address required for class action cases.)

REASON: <input checked="" type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10. <input type="checkbox"/> 11			ADDRESS: Stanley Mosk Courthouse 111 North Hill Street
CITY: Los Angeles	STATE: CA	ZIP CODE: 90012	

Step 5: Certification of Assignment: I certify that this case is properly filed in the Central District of the Superior Court of California, County of Los Angeles [Code of Civ. Proc., 392 et seq., and LASC Local Rule 2.3(a)(1)(E)]

Dated: 11/07/2022



(SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form LASC CIV 109 (10/22).
5. Payment in full of the filing fee, unless there is a court order for waiver, partial or schedule payments.
6. A signed order appointing a Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court to issue a Summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the Summons and Complaint, or other initiating pleading in the case.

SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES	<small>Reserved for Clerk's File Stamp</small> <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> FILED Superior Court of California County of Los Angeles 11/07/2022 Sherri R. Carter, Executive Officer / Clerk of Court By: <u>G. Carini</u>, Deputy </div>
<small>COURTHOUSE ADDRESS:</small> Spring Street Courthouse 312 North Spring Street, Los Angeles, CA 90012	
NOTICE OF CASE ASSIGNMENT UNLIMITED CIVIL CASE	
Your case is assigned for all purposes to the judicial officer indicated below.	<small>CASE NUMBER:</small> 22STCV35388

THIS FORM IS TO BE SERVED WITH THE SUMMONS AND COMPLAINT

	ASSIGNED JUDGE	DEPT	ROOM		ASSIGNED JUDGE	DEPT	ROOM
✓	Maren Nelson	17					

Given to the Plaintiff/Cross-Complainant/Attorney of Record

Sherri R. Carter, Executive Officer / Clerk of Court

 on 11/08/2022
(Date)

 By G. Carini, Deputy Clerk

INSTRUCTIONS FOR HANDLING UNLIMITED CIVIL CASES

The following critical provisions of the California Rules of Court, Title 3, Division 7, as applicable in the Superior Court, are summarized for your assistance.

APPLICATION

The Division 7 Rules were effective January 1, 2007. They apply to all general civil cases.

PRIORITY OVER OTHER RULES

The Division 7 Rules shall have priority over all other Local Rules to the extent the others are inconsistent.

CHALLENGE TO ASSIGNED JUDGE

A challenge under Code of Civil Procedure Section 170.6 must be made within **15** days after notice of assignment for all purposes to a judge, or if a party has not yet appeared, within 15 days of the first appearance.

TIME STANDARDS

Cases assigned to the Independent Calendaring Courts will be subject to processing under the following time standards:

COMPLAINTS

All complaints shall be served within 60 days of filing and proof of service shall be filed within 90 days.

CROSS-COMPLAINTS

Without leave of court first being obtained, no cross-complaint may be filed by any party after their answer is filed. Cross-complaints shall be served within 30 days of the filing date and a proof of service filed within 60 days of the filing date.

STATUS CONFERENCE

A status conference will be scheduled by the assigned Independent Calendar Judge no later than 270 days after the filing of the complaint. Counsel must be fully prepared to discuss the following issues: alternative dispute resolution, bifurcation, settlement, trial date, and expert witnesses.

FINAL STATUS CONFERENCE

The Court will require the parties to attend a final status conference not more than 10 days before the scheduled trial date. All parties shall have motions in limine, bifurcation motions, statements of major evidentiary issues, dispositive motions, requested form jury instructions, special jury instructions, and special jury verdicts timely filed and served prior to the conference. These matters may be heard and resolved at this conference. At least five days before this conference, counsel must also have exchanged lists of exhibits and witnesses, and have submitted to the court a brief statement of the case to be read to the jury panel as required by Chapter Three of the Los Angeles Superior Court Rules.

SANCTIONS

The court will impose appropriate sanctions for the failure or refusal to comply with Chapter Three Rules, orders made by the Court, and time standards or deadlines established by the Court or by the Chapter Three Rules. Such sanctions may be on a party, or if appropriate, on counsel for a party.

This is not a complete delineation of the Division 7 or Chapter Three Rules, and adherence only to the above provisions is therefore not a guarantee against the imposition of sanctions under Trial Court Delay Reduction. Careful reading and compliance with the actual Chapter Rules is imperative.

Class Actions

Pursuant to Local Rule 2.3, all class actions shall be filed at the Stanley Mosk Courthouse and are randomly assigned to a complex judge at the designated complex courthouse. If the case is found not to be a class action it will be returned to an Independent Calendar Courtroom for all purposes.

***Provisionally Complex Cases**

Cases filed as provisionally complex are initially assigned to the Supervising Judge of complex litigation for determination of complex status. If the case is deemed to be complex within the meaning of California Rules of Court 3.400 et seq., it will be randomly assigned to a complex judge at the designated complex courthouse. If the case is found not to be complex, it will be returned to an Independent Calendar Courtroom for all purposes.



Superior Court of California, County of Los Angeles

ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION PACKAGE

THE PLAINTIFF MUST SERVE THIS ADR INFORMATION PACKAGE ON EACH PARTY WITH THE COMPLAINT.

CROSS-COMPLAINANTS must serve this ADR Information Package on any new parties named to the action with the cross-complaint.

What is ADR?

ADR helps people find solutions to their legal disputes without going to trial. The main types of ADR are negotiation, mediation, arbitration, and settlement conferences. When ADR is done by phone, videoconference or computer, it may be called Online Dispute Resolution (ODR). These alternatives to litigation and trial are described below.

Advantages of ADR

- **Saves Time:** ADR is faster than going to trial.
- **Saves Money:** Parties can save on court costs, attorney's fees, and witness fees.
- **Keeps Control** (with the parties): Parties choose their ADR process and provider for voluntary ADR.
- **Reduces Stress/Protects Privacy:** ADR is done outside the courtroom, in private offices, by phone or online.

Disadvantages of ADR

- **Costs:** If the parties do not resolve their dispute, they may have to pay for ADR, litigation, and trial.
- **No Public Trial:** ADR does not provide a public trial or a decision by a judge or jury.

Main Types of ADR

1. **Negotiation:** Parties often talk with each other in person, or by phone or online about resolving their case with a settlement agreement instead of a trial. If the parties have lawyers, they will negotiate for their clients.
2. **Mediation:** In mediation, a neutral mediator listens to each person's concerns, helps them evaluate the strengths and weaknesses of their case, and works with them to try to create a settlement agreement that is acceptable to all. Mediators do not decide the outcome. Parties may go to trial if they decide not to settle.

Mediation may be appropriate when the parties

- want to work out a solution but need help from a neutral person.
- have communication problems or strong emotions that interfere with resolution.

Mediation may not be appropriate when the parties

- want a public trial and want a judge or jury to decide the outcome.
- lack equal bargaining power or have a history of physical/emotional abuse.

How to Arrange Mediation in Los Angeles County

Mediation for **civil cases** is voluntary and parties may select any mediator they wish. Options include:

a. **The Civil Mediation Vendor Resource List**

If all parties in an active civil case agree to mediation, they may contact these organizations to request a "Resource List Mediation" for mediation at reduced cost or no cost (for selected cases).

- **ADR Services, Inc.** Case Manager Elizabeth Sanchez, elizabeth@adrservices.com
(949) 863-9800
- **Mediation Center of Los Angeles** Program Manager info@mediationLA.org
(833) 476-9145

These organizations cannot accept every case and they may decline cases at their discretion. They may offer online mediation by video conference for cases they accept. Before contacting these organizations, review important information and FAQs at www.lacourt.org/ADR.Res.List

NOTE: The Civil Mediation Vendor Resource List program does not accept family law, probate or small claims cases.

b. **Los Angeles County Dispute Resolution Programs**

<https://hrc.lacounty.gov/wp-content/uploads/2020/05/DRP-Fact-Sheet-23October19-Current-as-of-October-2019-1.pdf>

Day of trial mediation programs have been paused until further notice.

Online Dispute Resolution (ODR). Parties in small claims and unlawful detainer (eviction) cases should carefully review the Notice and other information they may receive about (ODR) requirements for their case.

c. Mediators and ADR and Bar organizations that provide mediation may be found on the internet.

3. Arbitration: Arbitration is less formal than trial, but like trial, the parties present evidence and arguments to the person who decides the outcome. In "binding" arbitration, the arbitrator's decision is final; there is no right to trial. In "nonbinding" arbitration, any party can request a trial after the arbitrator's decision. For more information about arbitration, visit <http://www.courts.ca.gov/programs-adr.htm>

4. Mandatory Settlement Conferences (MSC): MSCs are ordered by the Court and are often held close to the trial date or on the day of trial. The parties and their attorneys meet with a judge or settlement officer who does not make a decision but who instead assists the parties in evaluating the strengths and weaknesses of the case and in negotiating a settlement. For information about the Court's MSC programs for civil cases, visit <http://www.lacourt.org/division/civil/C10047.aspx>

Los Angeles Superior Court ADR website: <http://www.lacourt.org/division/civil/C10109.aspx>
For general information and videos about ADR, visit <http://www.courts.ca.gov/programs-adr.htm>

VOLUNTARY EFFICIENT LITIGATION STIPULATIONS



Superior Court of California
County of Los Angeles



Los Angeles County
Bar Association
Litigation Section

Los Angeles County
Bar Association Labor and
Employment Law Section



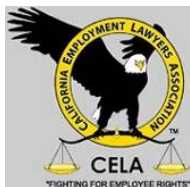
Consumer Attorneys
Association of Los Angeles



Southern California
Defense Counsel



Association of
Business Trial Lawyers



California Employment
Lawyers Association

The Early Organizational Meeting Stipulation, Discovery Resolution Stipulation, and Motions in Limine Stipulation are voluntary stipulations entered into by the parties. The parties may enter into one, two, or all three of the stipulations; however, they may not alter the stipulations as written, because the Court wants to ensure uniformity of application. These stipulations are meant to encourage cooperation between the parties and to assist in resolving issues in a manner that promotes economic case resolution and judicial efficiency.

The following organizations endorse the goal of promoting efficiency in litigation and ask that counsel consider using these stipulations as a voluntary way to promote communications and procedures among counsel and with the court to fairly resolve issues in their cases.

◆ Los Angeles County Bar Association Litigation Section ◆

◆ Los Angeles County Bar Association
Labor and Employment Law Section ◆

◆ Consumer Attorneys Association of Los Angeles ◆

◆ Southern California Defense Counsel ◆

◆ Association of Business Trial Lawyers ◆

◆ California Employment Lawyers Association ◆

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		FAX NO. (Optional):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			CASE NUMBER:
STIPULATION – EARLY ORGANIZATIONAL MEETING			

This stipulation is intended to encourage cooperation among the parties at an early stage in the litigation and to assist the parties in efficient case resolution.

The parties agree that:

1. The parties commit to conduct an initial conference (in-person or via teleconference or via videoconference) within 15 days from the date this stipulation is signed, *to discuss and consider whether there can be agreement on the following*:
 - a. Are motions to challenge the pleadings necessary? If the issue can be resolved by amendment as of right, or if the Court would allow leave to amend, could an amended complaint resolve most or all of the issues a demurrer might otherwise raise? If so, the parties agree to work through pleading issues so that a demurrer need only raise issues they cannot resolve. Is the issue that the defendant seeks to raise amenable to resolution on demurrer, or would some other type of motion be preferable? Could a voluntary targeted exchange of documents or information by any party cure an uncertainty in the pleadings?
 - b. Initial mutual exchanges of documents at the “core” of the litigation. (For example, in an employment case, the employment records, personnel file and documents relating to the conduct in question could be considered “core.” In a personal injury case, an incident or police report, medical records, and repair or maintenance records could be considered “core.”);
 - c. Exchange of names and contact information of witnesses;
 - d. Any insurance agreement that may be available to satisfy part or all of a judgment, or to indemnify or reimburse for payments made to satisfy a judgment;
 - e. Exchange of any other information that might be helpful to facilitate understanding, handling, or resolution of the case in a manner that preserves objections or privileges by agreement;
 - f. Controlling issues of law that, if resolved early, will promote efficiency and economy in other phases of the case. Also, when and how such issues can be presented to the Court;
 - g. Whether or when the case should be scheduled with a settlement officer, what discovery or court ruling on legal issues is reasonably required to make settlement discussions meaningful, and whether the parties wish to use a sitting judge or a private mediator or other options as

SHORT TITLE:	CASE NUMBER:
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discussed in the “Alternative Dispute Resolution (ADR) Information Package” served with the complaint;

- h. Computation of damages, including documents, not privileged or protected from disclosure, on which such computation is based;
 - i. Whether the case is suitable for the Expedited Jury Trial procedures (see information at www.lacourt.org under “Civil” and then under “General Information”).
2. The time for a defending party to respond to a complaint or cross-complaint will be extended to _____ for the complaint, and _____ for the cross-complaint, which is comprised of the 30 days to respond under Government Code § 68616(b), and the 30 days permitted by Code of Civil Procedure section 1054(a), good cause having been found by the Civil Supervising Judge due to the case management benefits provided by this Stipulation. A copy of the General Order can be found at www.lacourt.org under “Civil”, click on “General Information”, then click on “Voluntary Efficient Litigation Stipulations”.
(INSERT DATE) (INSERT DATE)
 3. The parties will prepare a joint report titled “Joint Status Report Pursuant to Initial Conference and Early Organizational Meeting Stipulation, and if desired, a proposed order summarizing results of their meet and confer and advising the Court of any way it may assist the parties’ efficient conduct or resolution of the case. The parties shall attach the Joint Status Report to the Case Management Conference statement, and file the documents when the CMC statement is due.
 4. References to “days” mean calendar days, unless otherwise noted. If the date for performing any act pursuant to this stipulation falls on a Saturday, Sunday or Court holiday, then the time for performing that act shall be extended to the next Court day

The following parties stipulate:

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

➤

(ATTORNEY FOR PLAINTIFF)

➤

(ATTORNEY FOR DEFENDANT)

➤

(ATTORNEY FOR DEFENDANT)

➤

(ATTORNEY FOR DEFENDANT)

➤

(ATTORNEY FOR _____)

➤

(ATTORNEY FOR _____)

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(ATTORNEY FOR _____)

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		FAX NO. (Optional):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			CASE NUMBER:
STIPULATION – DISCOVERY RESOLUTION			

This stipulation is intended to provide a fast and informal resolution of discovery issues through limited paperwork and an informal conference with the Court to aid in the resolution of the issues.

The parties agree that:

1. Prior to the discovery cut-off in this action, no discovery motion shall be filed or heard unless the moving party first makes a written request for an Informal Discovery Conference pursuant to the terms of this stipulation.
2. At the Informal Discovery Conference the Court will consider the dispute presented by parties and determine whether it can be resolved informally. Nothing set forth herein will preclude a party from making a record at the conclusion of an Informal Discovery Conference, either orally or in writing.
3. Following a reasonable and good faith attempt at an informal resolution of each issue to be presented, a party may request an Informal Discovery Conference pursuant to the following procedures:
 - a. The party requesting the Informal Discovery Conference will:
 - i. File a Request for Informal Discovery Conference with the clerk's office on the approved form (copy attached) and deliver a courtesy, conformed copy to the assigned department;
 - ii. Include a brief summary of the dispute and specify the relief requested; and
 - iii. Serve the opposing party pursuant to any authorized or agreed method of service that ensures that the opposing party receives the Request for Informal Discovery Conference no later than the next court day following the filing.
 - b. Any Answer to a Request for Informal Discovery Conference must:
 - i. Also be filed on the approved form (copy attached);
 - ii. Include a brief summary of why the requested relief should be denied;

SHORT TITLE:	CASE NUMBER:
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- iii. Be filed within two (2) court days of receipt of the Request; and
 - iv. Be served on the opposing party pursuant to any authorized or agreed upon method of service that ensures that the opposing party receives the Answer no later than the next court day following the filing.
- c. No other pleadings, including but not limited to exhibits, declarations, or attachments, will be accepted.
- d. If the Court has not granted or denied the Request for Informal Discovery Conference within ten (10) days following the filing of the Request, then it shall be deemed to have been denied. If the Court acts on the Request, the parties will be notified whether the Request for Informal Discovery Conference has been granted or denied and, if granted, the date and time of the Informal Discovery Conference, which must be within twenty (20) days of the filing of the Request for Informal Discovery Conference.
- e. If the conference is not held within twenty (20) days of the filing of the Request for Informal Discovery Conference, unless extended by agreement of the parties and the Court, then the Request for the Informal Discovery Conference shall be deemed to have been denied at that time.
4. If (a) the Court has denied a conference or (b) one of the time deadlines above has expired without the Court having acted or (c) the Informal Discovery Conference is concluded without resolving the dispute, then a party may file a discovery motion to address unresolved issues.
5. The parties hereby further agree that the time for making a motion to compel or other discovery motion is tolled from the date of filing of the Request for Informal Discovery Conference until (a) the request is denied or deemed denied or (b) twenty (20) days after the filing of the Request for Informal Discovery Conference, whichever is earlier, unless extended by Order of the Court.
- It is the understanding and intent of the parties that this stipulation shall, for each discovery dispute to which it applies, constitute a writing memorializing a "specific later date to which the propounding [or demanding or requesting] party and the responding party have agreed in writing," within the meaning of Code Civil Procedure sections 2030.300(c), 2031.320(c), and 2033.290(c).
6. Nothing herein will preclude any party from applying *ex parte* for appropriate relief, including an order shortening time for a motion to be heard concerning discovery.
7. Any party may terminate this stipulation by giving twenty-one (21) days notice of intent to terminate the stipulation.
8. References to "days" mean calendar days, unless otherwise noted. If the date for performing any act pursuant to this stipulation falls on a Saturday, Sunday or Court holiday, then the time for performing that act shall be extended to the next Court day.

SHORT TITLE:	CASE NUMBER:
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The following parties stipulate:

Date:

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Date:

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Date:

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Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)_____
(ATTORNEY FOR PLAINTIFF)_____
(ATTORNEY FOR DEFENDANT)_____
(ATTORNEY FOR DEFENDANT)_____
(ATTORNEY FOR DEFENDANT)_____
(ATTORNEY FOR _____)_____
(ATTORNEY FOR _____)_____
(ATTORNEY FOR _____)**Print****Save****Clear**

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		FAX NO. (Optional):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			CASE NUMBER:
INFORMAL DISCOVERY CONFERENCE (pursuant to the Discovery Resolution Stipulation of the parties)			

1. This document relates to:

☐

Request for Informal Discovery Conference

☐

Answer to Request for Informal Discovery Conference

2. Deadline for Court to decide on Request: _____ (insert date 10 calendar days following filing of the Request).

3. Deadline for Court to hold Informal Discovery Conference: _____ (insert date 20 calendar days following filing of the Request).

4. **For a Request for Informal Discovery Conference, briefly describe the nature of the discovery dispute, including the facts and legal arguments at issue. For an Answer to Request for Informal Discovery Conference, briefly describe why the Court should deny the requested discovery, including the facts and legal arguments at issue.**

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:	STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES		
COURTHOUSE ADDRESS:		
PLAINTIFF:		
DEFENDANT:		CASE NUMBER:
STIPULATION AND ORDER – MOTIONS IN LIMINE		

This stipulation is intended to provide fast and informal resolution of evidentiary issues through diligent efforts to define and discuss such issues and limit paperwork.

The parties agree that:

1. At least ____ days before the final status conference, each party will provide all other parties with a list containing a one paragraph explanation of each proposed motion in limine. Each one paragraph explanation must identify the substance of a single proposed motion in limine and the grounds for the proposed motion.
2. The parties thereafter will meet and confer, either in person or via teleconference or videoconference, concerning all proposed motions in limine. In that meet and confer, the parties will determine:
 - a. Whether the parties can stipulate to any of the proposed motions. If the parties so stipulate, they may file a stipulation and proposed order with the Court.
 - b. Whether any of the proposed motions can be briefed and submitted by means of a short joint statement of issues. For each motion which can be addressed by a short joint statement of issues, a short joint statement of issues must be filed with the Court 10 days prior to the final status conference. Each side's portion of the short joint statement of issues may not exceed three pages. The parties will meet and confer to agree on a date and manner for exchanging the parties' respective portions of the short joint statement of issues and the process for filing the short joint statement of issues.
3. All proposed motions in limine that are not either the subject of a stipulation or briefed via a short joint statement of issues will be briefed and filed in accordance with the California Rules of Court and the Los Angeles Superior Court Rules.

SHORT TITLE:	CASE NUMBER:
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The following parties stipulate:

Date:

(TYPE OR PRINT NAME)

Date:

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Date:

(TYPE OR PRINT NAME)

Date:

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Date:

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(ATTORNEY FOR PLAINTIFF)

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(ATTORNEY FOR DEFENDANT)

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(ATTORNEY FOR DEFENDANT)

➤

(ATTORNEY FOR DEFENDANT)

➤

(ATTORNEY FOR _____)

➤

(ATTORNEY FOR _____)

➤

(ATTORNEY FOR _____)**THE COURT SO ORDERS.**

Date: _____

JUDICIAL OFFICER

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FILED
LOS ANGELES SUPERIOR COURT

MAY 11 2011

JOHN A. CLARKE, CLERK
N. Navarro
BY NANCY NAVARRO, DEPUTY

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

General Order Re) ORDER PURSUANT TO CCP 1054(a),
Use of Voluntary Efficient Litigation) EXTENDING TIME TO RESPOND BY
Stipulations) 30 DAYS WHEN PARTIES AGREE
) TO EARLY ORGANIZATIONAL
) MEETING STIPULATION

Whereas the Los Angeles Superior Court and the Executive Committee of the Litigation Section of the Los Angeles County Bar Association have cooperated in drafting "Voluntary Efficient Litigation Stipulations" and in proposing the stipulations for use in general jurisdiction civil litigation in Los Angeles County;

Whereas the Los Angeles County Bar Association Litigation Section; the Los Angeles County Bar Association Labor and Employment Law Section; the Consumer Attorneys Association of Los Angeles; the Association of Southern California Defense Counsel; the Association of Business Trial Lawyers of Los Angeles; and the California Employment Lawyers Association all "endorse the goal of promoting efficiency in litigation, and ask that counsel consider using these stipulations as a voluntary way to promote communications and procedures among counsel and with the court to fairly resolve issues in their cases;"

1 Whereas the Early Organizational Meeting Stipulation is intended to encourage
2 cooperation among the parties at an early stage in litigation in order to achieve
3 litigation efficiencies;

4 Whereas it is intended that use of the Early Organizational Meeting Stipulation
5 will promote economic case resolution and judicial efficiency;

6
7 Whereas, in order to promote a meaningful discussion of pleading issues at the
8 Early Organizational Meeting and potentially to reduce the need for motions to
9 challenge the pleadings, it is necessary to allow additional time to conduct the Early
10 Organizational Meeting before the time to respond to a complaint or cross complaint
11 has expired;

12
13 Whereas Code of Civil Procedure section 1054(a) allows a judge of the court in
14 which an action is pending to extend for not more than 30 days the time to respond to
15 a pleading "upon good cause shown";

16 Now, therefore, this Court hereby finds that there is good cause to extend for 30
17 days the time to respond to a complaint or to a cross complaint in any action in which
18 the parties have entered into the Early Organizational Meeting Stipulation. This finding
19 of good cause is based on the anticipated judicial efficiency and benefits of economic
20 case resolution that the Early Organizational Meeting Stipulation is intended to
21 promote.
22

23
24 IT IS HEREBY ORDERED that, in any case in which the parties have entered
25 into an Early Organizational Meeting Stipulation, the time for a defending party to
26 respond to a complaint or cross complaint shall be extended by the 30 days permitted
27
28

1 by Code of Civil Procedure section 1054(a) without further need of a specific court
2 order.

3
4 DATED: May 11, 2011

Carolyn B. Kuhl
Carolyn B. Kuhl, Supervising Judge of the
Civil Departments, Los Angeles Superior Court

<p align="center">SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES</p>	<p align="center">Reserved for Clerk's File Stamp</p>
<p>COURTHOUSE ADDRESS: Spring Street Courthouse 312 North Spring Street, Los Angeles, CA 90012</p>	<p align="center">FILED Superior Court of California County of Los Angeles 11/14/2022</p>
<p>PLAINTIFF/PETITIONER: Laura Moore,</p>	<p align="center">Sherri R. Carter, Executive Officer / Clerk of Court By: <u>M. Mata</u> Deputy</p>
<p>DEFENDANT/RESPONDENT: MemorialCare Medical Group</p>	
<p align="center">CERTIFICATE OF MAILING</p>	<p>CASE NUMBER: 22STCV35388</p>

I, the below-named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Minute Order (Court Order re: Complex Designation) of 11/14/2022, Initial Status Conference Order upon each party or counsel named below by placing the document for collection and mailing so as to cause it to be deposited in the United States mail at the courthouse in Los Angeles, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid, in accordance with standard court practices.

Stiner E. Christopher
Ahdoot & Wolfson, PC
2600 W. Olive Avenue, Suite 500
Burbank, CA 91505

Sherri R. Carter, Executive Officer / Clerk of Court

Dated: 11/14/2022

By: M. Mata
Deputy Clerk

CERTIFICATE OF MAILING

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Spring Street Courthouse, Department 17

22STCV35388

LAURA MOORE, vs MEMORIALCARE MEDICAL GROUP

November 14, 2022

10:27 AM

Judge: Honorable Maren Nelson
Judicial Assistant: Maribel Mata
Courtroom Assistant: Cynthia Gomez

CSR: None
ERM: None
Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): No Appearances

For Defendant(s): No Appearances

NATURE OF PROCEEDINGS: Court Order re: Complex Designation

By this order, the Court determines this case to be Complex according to Rule 3.400 of the California Rules of Court. The Clerk's Office has assigned this case to this department for all purposes.

Pursuant to Government Code Sections 70616(a) and 70616(b), a single complex fee of one thousand dollars (\$1,000.00) must be paid on behalf of all plaintiffs. For defendants, a complex fee of one thousand dollars (\$1,000.00) must be paid for each defendant, intervenor, respondent or adverse party, not to exceed, for each separate case number, a total of eighteen thousand dollars (\$18,000.00), collected from all defendants, intervenors, respondents, or adverse parties. All such fees are ordered to be paid to Los Angeles Superior Court, within ten (10) days of service of this order.

By this order, the Court stays the case, except for service of the Summons and Complaint. The stay continues at least until the Initial Status Conference. Initial Status Conference is set for 02/01/2023 at 09:00 AM in this department. At least ten (10) days prior to the Initial Status Conference, counsel for all parties must discuss the issues set forth in the Initial Status Conference Order issued this date. Counsel must file a Joint Initial Status Conference Response Statement five (5) court days before the Initial Status Conference.

The Initial Status Conference Order, served concurrently with this Minute Order, is to help the Court and the parties manage this complex case by developing an orderly schedule for briefing, discovery, and court hearings. The parties are informally encouraged to exchange documents and information as may be useful for case evaluation.

Responsive pleadings shall not be filed until further Order of the Court. Parties must file a Notice of Appearance in lieu of an Answer or other responsive pleading. The filing of a Notice of Appearance shall not constitute a waiver of any substantive or procedural challenge to the

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Spring Street Courthouse, Department 17

22STCV35388

LAURA MOORE, vs MEMORIALCARE MEDICAL GROUP

November 14, 2022

10:27 AM

Judge: Honorable Maren Nelson

Judicial Assistant: Maribel Mata

Courtroom Assistant: Cynthia Gomez

CSR: None

ERM: None

Deputy Sheriff: None

Complaint. Nothing in this order stays the time for filing an Affidavit of Prejudice pursuant to Code of Civil Procedure Section 170.6. Nothing in this order stays the filing of an Amended Complaint pursuant to Labor Code Section 2699.3(a)(2)(C) by a plaintiff wishing to add a Private Attorney General Act ("PAGA") claim.

For information on electronic filing in the Complex Courts, please refer to <https://www.lacourt.org/division/efiling/efiling2.aspx#civil>. See, in particular, the link therein for "Complex Civil efiling." Parties shall file all documents in conformity with the Presiding Judge's First Amended General Order of May 3, 2019, particularly including the provisions therein requiring Bookmarking with links to primary documents and citations; that Order is available on the Court's website at the link shown above.

For efficiency in communication with counsel, the complex program requires the parties in every new case to use an approved third-party cloud service that provides an electronic message board. In order to facilitate communication with counsel prior to the Initial Status Conference, the parties must sign-up with the e-service provider at least ten (10) court days in advance of the Initial Status Conference and advise the Court which provider was selected.

The court has implemented LACourtConnect to allow attorneys, self-represented litigants and parties to make audio or video appearances in Los Angeles County courtrooms. LACourtConnect technology provides a secure, safe and convenient way to attend hearings remotely. A key element of the Court's Access LACourt YOUR WAY program to provide services and access to justice, LACourtConnect is intended to enhance social distancing and change the traditional in-person courtroom appearance model. See <https://my.lacourt.org/laccwelcome> for more information.

This Complex Courtroom does not use Los Angeles Superior Court's Court Reservation ("CRS") portal to reserve motion hearing dates. Rather, counsel may secure dates by calling the Courtroom Assistant at 213-310-70xx with the "xx" being the Department number, e.g. Dept. 1 is 01 and Dept. 10 is 10.

Court reporters are not provided for hearings or trials. The parties should make their own arrangements for any hearing where a transcript is desired.

If you believe a party or witness will need an interpreter, see the court's website for information on how to make such a request in a timely manner. <https://www.lacourt.org/irud/UI/index.aspx>

Counsel are directed to access the following link for further information on procedures in the

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Spring Street Courthouse, Department 17

22STCV35388

LAURA MOORE, vs MEMORIALCARE MEDICAL GROUP

November 14, 2022

10:27 AM

Judge: Honorable Maren Nelson

Judicial Assistant: Maribel Mata

Courtroom Assistant: Cynthia Gomez

CSR: None

ERM: None

Deputy Sheriff: None

Complex litigation Program courtrooms: <https://www.lacourt.org/division/civil/CI0042.aspx>.

The plaintiff must serve a copy of this minute order and the attached Initial Status Conference Order on all parties forthwith and file a Proof of Service in this department within seven (7) days of service.

Certificate of Mailing is attached.

FILED
Superior Court of California
County of Los Angeles

NOV 14 2022

Sherri R. Carter, Executive Officer/Clerk of Court
By *[Signature]* Deputy
MAR 13 2022 MANT

SUPERIOR COURT FOR THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

LAURA MOORE

Plaintiff,

Case No.: 22STCV35388

INITIAL STATUS CONFERENCE
ORDER (COMPLEX CLASS ACTIONS)

vs.

MEMORIAL CARE MEDICAL GROUP

Defendant

Dept. 17
Spring Street Courthouse
Hon. Maren E. Nelson

This Initial Status Conference Order (Complex Class Actions) supplements a Minute Order served concurrently herewith. That Minute Order sets a date and time for the Initial Status Conference and includes other provisions which not repeated in this Order. Counsel should review that Minute Order carefully to be fully informed of your

obligations and the processes used in the Los Angeles Superior Court Complex Courtrooms.

Pending further order, the following is ordered:

I. Initial Status Conference

Counsel for all parties shall appear for an Initial Status Conference (“ISC”) per the Minute Order served concurrently herewith.

Counsel representing a party at the ISC or any other status conference should be fully familiar with the facts as then understood and be able to make binding agreements respecting case management.

Parties presently engaged in mediation or who have a secured a date with a mediator for mediation may stipulate to one continuance of the ISC, provided they also agree upon an e-service provider, as set forth in Item 8, below, and include the name of the provider and the date of the mediation in their Stipulation for Continuance. It is expected that parties using this procedure will timely exchange such information as is necessary to have a productive mediation and that the mediation will go forward as scheduled.

At the ISC, the Court will discuss case management, set dates for motions, and invite the parties to propose procedures to enhance efficiency and avoid duplicative or unnecessary expenditures of time.

At least ten (10) days prior to the ISC, all counsel shall meet, preferably by use of telephone and/or video technology, to discuss case management. Plaintiff’s counsel shall take the lead in preparing a joint ISC Statement and ensuring that it is filed at least **five** (5) court days prior to the ISC. To the extent the parties are unable to agree on a joint submission, each party may separately present a brief statement of its position. If any party who has been served with this Order declines to participate, all other parties shall file an ISC statement.

The ISC Statement shall contain the following in the following order:

1. A succinct description of the facts of the case as then known. In wage and hour cases the nature of the employee's work, the employer's business, and the specific factual bases for claims under the Labor Code shall be provided. Citations to relevant statutes and pending appellate cases that may impact the case shall be provided.
2. A discussion of any issues of jurisdiction, venue, contractual arbitration/judicial reference that any party intends to raise and the meet and confer efforts to date on these issues. Prior to the ISC any party seeking arbitration shall have provided a copy of the applicable agreement to arbitrate to the opposing party and a decision should have been made as to whether a motion to compel arbitration will be required. Dates for any motions involving challenges to jurisdiction, venue, the pleadings, or referrals to arbitration will be set at the ISC.
3. Counsel should address issues such as an agreement to share the cost of class notice/opt out procedures, the adequacy of class representatives, and potential conflicts of interest among class representatives.
4. Whether the action incorrectly identifies the name of any party and whether any party intends to add parties or causes of action by way of amendment, cross-complaint, or the like.
5. The names, addresses, telephone, email, and facsimile numbers of all counsel and the parties they represent.
6. Any basis for the Court's recusal or disqualification.
7. A discussion of the identity of entities or persons other than those shown in the pleadings that may have a significant financial or other interest in the proceedings.
8. A joint recommendation for an e-service provider for inclusion in the Court's order for initiation of e-service. The parties must employ an agreed e-service provider. The parties shall identify the appointed e-service provider in the caption of each filing.
9. A brief description of any related cases pending in other courts or anticipated for future filing.

10. Whether there is insurance coverage for the dispute.

11. A plan to preserve evidence, to deploy a uniform system for identification of documents, and to protect confidentiality by, for example, executing a protective order.

12. A preliminary discovery plan, with dates, reflecting the parties' consideration of phased discovery, e.g., limiting initial discovery to a significant or dispositive issue as a predicate to an important early ruling or meaningful participation in an early mediation. In class actions, the parties should address whether discovery should initially be limited to class certification issues.

13. Where appropriate, the parties should outline a process for managing discovery of electronically stored information (ESI) by, for example, scheduling a meeting among counsel and the parties' information technology consultants in order to address (1) the information management systems employed by the parties; (2) the location and custodian(s) of information likely to be subject to production (including the identification of network and email servers and hard drives maintained by target custodians); (3) the format in which electronically stored information will be produced; (4) the type of ESI that will be produced, i.e., data files, emails, etc.; and (5) appropriate search criteria for focused requests.

14. Any proposed mechanism for and the timing of mediation and/or mandatory settlement conferences to assist in resolution of the case.

15. Any issues regarding publicity which the Court should consider.

16. Recommended dates and times for trial, filing of motions for class certification, alternative dispute resolution, and deadlines (and proposed briefing schedules) for filing other anticipated motions.

17. A recommended date for the next Status Conference.

III. Reminders And Other Information

1. It is the joint responsibility of counsel to file a joint status conference statement for all status conferences scheduled after the ISC, which statement shall be filed five

(5) court days in advance of the status conference.

2. Counsel may secure dates for motions by calling the Courtroom Assistant.

Counsel should have jointly discussed any likely contested motion with each other and the Court before it is filed so that, if possible, the matter may be resolved or narrowed by agreement or, if filed, an appropriate briefing schedule is set.

3. Unless otherwise ordered, counsel may appear remotely for all appearances.

Please be in a quiet place and note that a party speaking may not hear simultaneous speech in the courtroom. Please speak slowly and pause frequently. Each counsel should advise the others at least 24 hours in advance as to whether an appearance will be remote or in person.

4. Any message on the message board for the Court should be joint and neutral in tone. Absent good cause shown no unilateral postings are appropriate.

5. In the ordinary course, discovery motions will not be heard without an Informal Discovery Conference (IDC) pursuant to Cal. Code of Civ. Pro. § 2016.080.

Counsel may arrange for an IDC by jointly posting a request on the e-service provider's message board. If all counsel are not in agreement, counsel may request an IDC by filing LACIV094. Unilateral requests for IDC by message board are not appropriate.

6. Specific direction as to the matters to be provided to the Court for the IDC and the timing of same will be given at the time the IDC is arranged and may vary depending on the nature of the dispute. Unless otherwise ordered, IDC are held by LACourtConnect and off the record.

7. It is the responsibility of all counsel to notify the Court promptly of any related case and to secure a ruling thereon. See Cal. Rules of Court, Rule 3.300 et. seq. This responsibility is on-going.

8. Posting documents to the e-service provider does not constitute filing a document. See the Minute Order for further terms re efilng.

9. Counsel desiring a protective order should consult the model on the court's website and provide a redlined copy if deviations are made from same. See

1 “Helpful Guidance From the Complex Litigation Judges” on the Complex
2 Litigation webpage link provided in the Minute Order.

3 10. Any future stay ordered by the Court for purposes of case management is not a
4 stay under Code of Civil Procedure § 583.310 unless the Court so orders

5 11. The dismissal of a class action requires court approval. Cal. Rules of Court, Rule
6 3.770(a). Counsel must submit a declaration setting forth, among other things, the
7 reasons why a party seeks a dismissal in a class action and any and all
8 consideration given in exchange for the dismissal.

9 12. Settlement of claims filed under the Private Attorney General Act (PAGA)
10 (whether or not filed as part of a class action) require notice to the Labor and
11 Workforce Development Agency. Labor Code § 2699 (1)(2). A noticed hearing,
12 with proof of service to LWDA and a proposed Order, is required to secure
13 approval of the settlement of a PAGA claim. Settlements that include dismissal of
14 a PAGA claim require that the Court be advised of the specific terms of any
15 release of the PAGA claim and the consideration, if any, for same.

16 To obtain approval of a class action settlement, the parties should strictly adhere to the
17 Guidelines for Motions for Preliminary and Final Approval posted on the court’s website
18 under Tools for Litigators. See the link to same in the Minute Order served concurrently
19 herewith.

20 **IV. Notice of the ISC Order**

21 Plaintiff’s counsel shall serve this Initial Status Conference Order on all defense
22 counsel, or if counsel is not known, on each defendant and file a Proof of Service with
23 the court within seven (7) days of the date of this Order. If the Complaint has not been
24 served as of the date of this Order, plaintiff(s) must serve the Complaint, along with a
25 copy of this Order, within five (5) days of the date of this Order.

Once served, each as yet non-appearing defendant shall file a Notice of
Appearance (identifying counsel by name, firm name, address, email address, telephone
number and fax number). The filing of a Notice of Appearance is without prejudice to

///

1 ///

2 (a) any jurisdictional, substantive, or procedural challenge to the Complaint, (b) any
3 affirmative defense, and (c) the filing of any cross-complaint in this action.

4 Date: 11/14/2022

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Maren E. Nelson
7 Judge of the Superior Court
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Attorney or Party without Attorney: Tina Wolfson (SBN 174806) AHDOOT & WOLFSON, PC 2600 W Olive Avenue Suite 500 Burbank, CA 91505 Telephone No: 818-474-9111 Attorney For: Plaintiff			For Court Use Only	
			Ref. No. or File No.: MemorialCare FB Pixel Tracking	
Insert name of Court, and Judicial District and Branch Court: In The Superior Court of The State of California in And for The County of Los Angeles				
Plaintiff: LAURA MOORE, on behalf of herself and all others similarly situated Defendant: MEMORIALCARE MEDICAL GROUP d/b/a MEMORIALCARE,				
PROOF OF SERVICE SUMMONS		Hearing Date:	Time:	Dept/Div:
				Case Number: 22STCV35388

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the Summons, Class Action Complaint; Civil Case Cover Sheet; Civil Case Cover Sheet Addendum and Statement of Location (Certificate of Grounds for Assignment to Courthouse Location); Notice of Case Assignment- Unlimited Civil Case; First Amended General Order; Minute Order; Initial Status Conference Order (Complex Class Actions); Order Pursuant to CCP 1054(a), Extending Time to Respond by 30 Days When Parties Agree to Early Organizational Meeting Stipulation; Voluntary Efficient Litigation Stipulations; Stipulation-Discovery Resolution; Stipulation-Early Organizational Meeting; Informal Discovery Conference; Stipulation And Order-Motions In Limine; Alternative Dispute Resolution (ADR) Information Package
3.
 - a. Party served: MEMORIALCARE MEDICAL GROUP d/b/a MEMORIALCARE,
 - b. Person served: Emailed
4. Address where the party was served: CovidLegal@Memorialcare.org
5. I served the party:
 - a. by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): Wed, Nov 30, 2022 (2) at (time): 11:03 AM
 - (1) ☒ (business)
 - (2) ☐ (home)
 - (3) ☐ (other) :
6. The "Notice to the Person Served" (on the summons) was completed as follows:
 - a. ☐ as an individual defendant.
 - b. ☐ as the person sued under the fictitious name of (specify):
 - c. ☐ as occupant.
 - d. ☒ On behalf of (specify): MEMORIALCARE MEDICAL GROUP d/b/a MEMORIALCARE, under the following Code of Civil Procedure section:

<input type="checkbox"/> 416.10 (corporation)	<input checked="" type="checkbox"/> 415.95 (business organization, form unknown)
<input type="checkbox"/> 416.20 (defunct corporation)	<input type="checkbox"/> 416.60 (minor)
<input type="checkbox"/> 416.30 (joint stock company/association)	<input type="checkbox"/> 416.70 (ward or conservatee)
<input type="checkbox"/> 416.40 (association or partnership)	<input type="checkbox"/> 416.90 (authorized person)
<input type="checkbox"/> 416.50 (public entity)	<input type="checkbox"/> 415.46 (occupant)
<input type="checkbox"/> other:	



Attorney or Party without Attorney: Tina Wolfson (SBN 174806) AHDOOT & WOLFSON, PC 2600 W Olive Avenue Suite 500 Burbank, CA 91505 Telephone No: 818-474-9111 Attorney For: Plaintiff				For Court Use Only
Ref. No. or File No.: MemorialCare FB Pixel Tracking				
Insert name of Court, and Judicial District and Branch Court: In The Superior Court of The State of California in And for The County of Los Angeles Plaintiff: LAURA MOORE, on behalf of herself and all others similarly situated Defendant: MEMORIALCARE MEDICAL GROUP d/b/a MEMORIALCARE,				
PROOF OF SERVICE SUMMONS	Hearing Date:	Time:	Dept/Div:	Case Number: 22STCV35388

Recoverable cost Per CCP 1033.5(a)(4)(B)

7. Person who served papers

- a. Name: Daniel Rodriguez
- b. Address: **FIRST LEGAL**
1517 W. Beverly Blvd.
LOS ANGELES, CA 90026
- c. Telephone number: (213) 250-1111
- d. **The fee** for service was: \$41.75
- e. I am:
- (1) ☒ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☐ a registered California process server:
- (i) ☐ owner ☐ employee ☐ independent contractor
- (ii) Registration No:
- (iii) County:

8. *I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.*

11/30/2022

(Date)

Daniel Rodriguez

Daniel Rodriguez



Judicial Council Form POS-010
Rule 2.150.(a)&(b) Rev January 1, 2007

PROOF OF SERVICE SUMMONS

8022115
(5161444)
Page 2 of 2

SUM-100

**AMENDED SUMMONS
(CITACION JUDICIAL)**FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

Memorial Health Services d/b/a MemorialCare

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

Laura Moore, on behalf of herself and all others similarly situated

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es): Los Angeles Superior Court

Spring Street Courthouse, 312 North Spring Street, Los Angeles, CA 90012

CASE NUMBER:
(Número del Caso):

22STCV35388

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Tina Wolfson (SBN 174806), AHDOOT & WOLFSON, PC, 2600 W. Olive Avenue, Suite 500, Burbank, CA 91505; Tel: (310) 474-9111

DATE:

(Fecha) 12/12/2022

Clerk, by Sherri R. Carter Executive Officer / Clerk of Court, Deputy

(Secretario) M. Arellanes (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]

**NOTICE TO THE PERSON SERVED: You are served**

- ☐ as an individual defendant.
- ☐ as the person sued under the fictitious name of (specify):
- ☐ on behalf of (specify):
under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):
- ☐ by personal delivery on (date):

Page 1 of 1

FILED

Superior Court of California
County of Los Angeles

12/12/2022

Sherri R. Carter, Executive Officer / Clerk of Court

By: M. Arellanes Deputy

1 Tina Wolfson (SBN 174806)
twolfson@ahdootwolfson.com
2 Robert Ahdoot (SBN 172098)
rahdoot@ahdootwolfson.com
3 Christopher E. Stiner (SBN 276033)
cstiner@ahdootwolfson.com
4 **AHDOOT & WOLFSON, PC**
2600 W. Olive Avenue, Suite 500
5 Burbank, CA 91505
6 Telephone: (310) 474-9111
Facsimile: (310) 474-4521

7 Gary M. Klinger (*pro hac vice* to be filed)
gklinger@milberg.com
8 **MILBERG COLEMAN BRYSON**
9 **PHILLIPS GROSSMAN, PLLC**
227 W. Monroe Street, Suite 2100
10 Chicago, IL 60606
11 Telephone: (847) 208-4585

12 *Attorneys for Plaintiff and the Putative Class*

13 [Additional counsel appear on signature page]
14

15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
16 **IN AND FOR THE COUNTY OF LOS ANGELES**
17

18 LAURA MOORE, on behalf of herself and
all others similarly situated,

19 Plaintiff,

20 v.

21 MEMORIAL HEALTH SERVICES d/b/a/
22 MEMORIALCARE,

23 Defendant.
24
25
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Case No.: 22STCV35388

**FIRST AMENDED CLASS ACTION
COMPLAINT**

JURY TRIAL DEMANDED

Judge: Hon. Maren Nelson
Dept.: 17

1 Plaintiff Laura Moore (“Plaintiff”), on behalf of herself and all others similarly situated (the
2 “Class Members”), by and through her attorneys, makes the following allegations based on knowledge
3 as to herself and upon information and belief, including further investigation conducted by Plaintiff’s
4 counsel, as to all other matters.

5 NATURE OF THE ACTION

6 1. This is a data privacy class action lawsuit brought on behalf of all California residents
7 who have accessed www.memorialcare.org, a website Defendant owns and operates, and who had their
8 personally identifiable information and/or protected health information improperly disclosed to
9 Facebook as a result of using Defendant’s website.

10 2. Defendant aids employs, agrees, and conspires with Facebook to intercept
11 communications sent and received by Plaintiff and Class Members, including communications
12 containing protected medical information.

13 3. Plaintiffs and Class Members used www.memorialcare.org to search and locate
14 physicians, schedule medical appointments, and find treatment options. Defendant also encouraged its
15 patients to use additional web features—such as the general search bar and chat feature—to enter search
16 queries and ask specific questions regarding their medical conditions and healthcare options.

17 4. Unbeknownst to Plaintiff and Class Members, and pursuant to the systematic process
18 described herein, patients’ private and protected communications with www.memorialcare.org were
19 automatically transmitted and communicated to Facebook, alongside other information—including but
20 not limited to individual patients’ IP addresses, physical locations, and unique and persistent Facebook
21 ID—as a result of Defendant’s decision to install and use tracking pixels on its website.

22 5. As a result of Defendant’s unauthorized transmission of its patients’ identities and online
23 activity, including information and search results related to their private medical treatment, to a third
24 party, Plaintiff brings this action for legal and equitable remedies resulting from the violations of the
25 California Invasion of Privacy Act, the California Confidentiality of Medical Information Act, and for
26 the Invasion of Privacy Under California’s Constitution.

JURISDICTION AND VENUE

6. The Court has personal jurisdiction over Defendant because Defendant resides in and does business in the State of California.

7. This is a class action brought pursuant to Code of Civil Procedure section 382, and this Court has jurisdiction over the Plaintiff's claims because the amount in controversy exceeds this Court's jurisdictional minimum.

8. Federal jurisdiction under the Class Action Fairness Action, 28 U.S.C. §1332(d), is lacking because the proposed class of plaintiffs is limited to citizens of the state of California.

9. Venue is proper under Code of Civil Procedure sections 395(a) and 395.5 because a substantial part of the events or omissions giving rise to the claims asserted herein occurred in this county.

THE PARTIES

10. Memorial Health Services d/b/a MemorialCare ("MemorialCare" or "Defendant") is registered as a nonprofit entity with its principal place of business in California. Defendant employs approximately 11,000 individuals, with over 3,000 medical staff physicians, and, as of June 30, 2021, had an annual revenue of approximately \$732,000,000. As the owner and operator of MemorialCare Long Beach Medical Center among other medical centers and operations, Defendant offers a full range of medical services, including primary and outpatient care, and treats thousands of patients each year.

11. Plaintiff Laura Moore is an adult citizen of the state of California and is domiciled in Long Beach, California. On numerous occasions from 2016 to 2021, Plaintiff Moore accessed www.memorialcare.org on her phone and desktop and used the website to look for health care providers. Plaintiff Moore has used and continues to use the same devices to maintain and access an active Facebook account throughout the relevant period in this case. Pursuant to the systematic process described herein, MemorialCare assisted Facebook with intercepting Plaintiff Moore's communications, including those that contained personally identifiable information, protected health information, and related confidential information. MemorialCare assisted these interceptions without Plaintiff Moore's knowledge, consent, or express written authorization. By failing to receive the

1 requisite consent, Defendant breached confidentiality and unlawfully disclosed Plaintiff Moore’s
2 personally identifiable information and protected health information.

3 FACTUAL ALLEGATIONS

4 A. Background of the California Information Privacy Act (“CIPA”)

5 12. The CIPA, Cal. Penal Code §§ 630, *et seq.*, prohibits aiding or permitting another person
6 to willfully—and without the consent of all parties to a communication—read or learn the contents or
7 meaning of any message, report, or communication while the same is in transit or passing over any
8 wire, line, or cable, or is being sent from or received at any place within California.

9 13. To establish liability under section 631(a), a plaintiff need only establish that the
10 defendant, “by means of any machine, instrument, contrivance, or in any other manner,” does any of
11 the following:

- 12 • Intentionally taps, or makes any unauthorized connection, whether physically,
13 electrically, acoustically, inductively or otherwise, with any telegraph or telephone wire,
14 line, cable, or instrument, including the wire, line, cable, or instrument of any internal
telephonic communication system; or
- 15 • Willfully and without the consent of all parties to the communication, or in any
16 unauthorized manner, reads or attempts to read or learn the contents or meaning of any
17 message, report, or communication while the same is in transit or passing over any wire,
18 line or cable or is being sent from or received at any place within this state; or
- 19 • Uses, or attempts to use, in any manner, or for any purpose, or to communicate in any
20 way, any information so obtained; or
- Aids, agrees with, employs, or conspires with any person or persons to unlawfully do,
or permit, or cause to be done any of the acts or things mentioned above in this section.

21 14. Section 631(a) is not limited to phone lines, but also applies to “new technologies” such
22 as computers, the Internet, and email. *See Matera v. Google Inc.*, No. 15-cv-4062-LHK, 2016 WL
23 8200619, at *21 (N.D. Cal. Aug. 12, 2016) (CIPA applies to “new technologies” and must be construed
24 broadly to effectuate its remedial purpose of protecting privacy); *Bradley v. Google, Inc.*, No. 06-cv-
25 5289-WHA, 2006 WL 3798134, at *5-6 (N.D. Cal. Dec. 22, 2006) (CIPA governs “electronic
26 communications”); *In re Facebook, Inc. Internet Tracking Litigation*, 956 F.3d 589 (9th Cir. 2020)
27 (reversing dismissal of CIPA and common law privacy claims based on Facebook’s collection of
28 consumers’ internet browsing history).

1 15. Under California Penal Code section 637.2, Plaintiff and Class Members may seek
2 injunctive relief and statutory damages of \$2,500 per violation.

3 **B. Background of the California Confidentiality of Medical Information Act (“CMIA”)**

4 16. Pursuant to the California Confidentiality of Medical Information Act, Cal. Civ. Code
5 §§ 56, *et seq.*, “A provider of health care . . . shall not disclose medical information regarding a patient
6 of the provider of health care . . . without first obtaining an authorization, except as provided in
7 subdivision (b) or (c).” Cal. Civ. Code § 56.10(a).¹ “An authorization for the release of medical
8 information . . . shall be valid if it:

9 (a) Is handwritten by the person who signs it or is in a typeface no smaller than 14-point
10 type.

11 (b) Is clearly separate from any other language present on the same page and is executed
12 by a signature which serves no other purpose than to execute the authorization.

13 (c) Is signed and dated . . .

14 (d) States the specific uses and limitations on the types of medical information to be
15 disclosed.

16 (e) States the name or functions of the provider of health care, health care service plan,
17 pharmaceutical company, or contractor that may disclose the medical information.

18 (f) States the name or functions of the persons or entities authorized to receive the
19 medical information.

20 (g) States the specific uses and limitations on the use of the medical information by the
21 persons or entities authorized to receive the medical information.

22 (h) States a specific date after which the provider of health care, health care service plan,
23 pharmaceutical company, or contractor is no longer authorized to disclose the medical
24 information.

25 (i) Advises the person signing the authorization of the right to receive a copy of the
26 authorization.

27 ¹ Subdivisions (b) and (c) are not relevant to this case but permit the disclosure of medical information
28 in situations where a government investigation or lawsuit is taking place. For example, MemorialCare
could bypass the authorization requirement if patient medical information was requested pursuant to a
lawful court order or by a party to a proceeding before a court or administrative agency pursuant to a
subpoena. *See* Cal. Civ. Code §§ 56.10(b)(3), 56.10(b)(6).

1 Cal. Civ. Code § 56.11.

2 17. Moreover, a health care provider that maintains information for purposes covered by the
3 CMIA is liable for negligent disclosures that arise as the result of an affirmative act—such as
4 implementing a system that records and discloses online patients’ personally identifiable information
5 and protected health information. Cal. Civ. Code § 56.36(c).² Similarly, if a negligent release occurs
6 and medical information concerning a patient is improperly viewed or otherwise accessed, the
7 individual need not suffer actual damages. Cal. Civ. Code § 56.36(b).

8 18. “In addition to any other remedies available at law, any individual may bring an action
9 against any person or entity who has negligently released confidential information or records
10 concerning him or her in violation of this part, for either or both of the following: [¶] (1) ... nominal
11 damages of one thousand dollars (\$1,000). In order to recover under this paragraph, it shall not be
12 necessary that the plaintiff suffered or was threatened with actual damages. [¶] (2) The amount of actual
13 damages, if any, sustained by the patient.” *Sutter Health v. Superior Ct.*, 227 Cal. App. 4th 1546, 1551,
14 (2014) (quoting Cal. Civ. Code § 56.36(b)).

15 **C. MemorialCare’s Website**

16 19. MemorialCare is the largest health system headquartered in Orange County, California.
17 MemorialCare’s network includes several hospitals (Orange Coast Medical Center, Saddleback
18 Medical Center, Long Beach Medical Center and Miller Children’s & Women’s Hospital Long Beach),
19 MemorialCare Medical Group and Greater Newport Physicians, MemorialCare Research,
20 MemorialCare Select Health Plan, and numerous outpatient ambulatory surgery, and specialty care
21 centers.

22 20. MemorialCare Long Beach Medical Center, for example, is a 435-bed regional medical
23 center that offers a full range of medical services, including primary and outpatient care. MemorialCare
24

25
26 ² “Every provider of health care . . . who creates, maintains, preserves, stores, abandons, destroys, or
27 disposes of medical information shall do so in a manner that preserves the confidentiality of the
28 information contained therein. Any provider of health care . . . who negligently creates, maintains,
preserves, stores, abandons, destroys, or disposes of medical information shall be subject to the remedies
and penalties provided under subdivisions (b) and (c) of Section 56.36.” Cal. Civ. Code § 56.101(a).

1 Long Beach Medical Center’s services, include, but are not limited to: blood donation, breast care,
 2 cancer care, diabetes care, digestive care, emergency care, gynecological care, heart and vascular care,
 3 hospice services, imaging and radiology, joint replacement, laboratory services, lung and respiratory
 4 care, mental health, nursing services, orthopedic care, palliative care, physical therapy and
 5 rehabilitation services. Defendant’s coverage area includes 23 zip codes, representing 12 cities and
 6 communities, and it provides medical services to 1,059,713 people each year, based on Defendant’s
 7 own estimates as of 2021.

8 21. Defendant’s website, www.memorialcare.org, is accessible on mobile devices and
 9 desktop computers. MemorialCare also allows users to interact with its health system via several mobile
 10 applications available for download on Android and iPhone devices.

11 **D. Facebook’s Platform and its Business Tools**

12 22. Facebook describes itself as a “real identity platform,”³ meaning users are allowed only
 13 one account and must share “the name they go by in everyday life.”⁴ To that end, when creating an
 14 account, users must provide their first and last name, along with their birthday and gender.⁵

15 23. In 2021, Facebook generated \$117 billion in revenue.⁶ Roughly 97% of that came from
 16 selling advertising space.⁷

21 ³ Sam Schechner and Jeff Horwitz, *How Many Users Does Facebook Have? The Company Struggles*
 22 *to Figure It Out*, WALL. ST. J. (Oct. 21, 2021), [https://www.wsj.com/articles/how-many-users-does-](https://www.wsj.com/articles/how-many-users-does-facebook-have-the-company-struggles-to-figure-it-out-11634846701)
 23 [facebook-have-the-company-struggles-to-figure-it-out-11634846701](https://www.wsj.com/articles/how-many-users-does-facebook-have-the-company-struggles-to-figure-it-out-11634846701).

24 ⁴ *Facebook Community Standards: Account Integrity and Authentic Identity*, FACEBOOK, [https://](https://transparency.fb.com/policies/community-standards/account-integrity-and-authentic-identity/)
 25 transparency.fb.com/policies/community-standards/account-integrity-and-authentic-identity/ (last
 26 visited Nov. 7, 2022).

27 ⁵ *Sign Up*, FACEBOOK, <https://www.facebook.com/> (last visited Nov. 7, 2022).

28 ⁶ *Meta Reports Fourth Quarter and Full Year 2021 Results*, FACEBOOK (Feb. 2, 2022), [https://investor.](https://investor.fb.com/investor-news/press-release-details/2022/Meta-Reports-Fourth-Quarter-and-Full-Year-2021-Results/default.aspx)
[fb.com/investor-news/press-release-details/2022/Meta-Reports-Fourth-Quarter-and-Full-Year-2021-](https://investor.fb.com/investor-news/press-release-details/2022/Meta-Reports-Fourth-Quarter-and-Full-Year-2021-Results/default.aspx)
[Results/default.aspx](https://investor.fb.com/investor-news/press-release-details/2022/Meta-Reports-Fourth-Quarter-and-Full-Year-2021-Results/default.aspx).

⁷ *Id.*

24. Facebook sells advertising space by highlighting its ability to target users.⁸ Facebook can target users so effectively because it surveils user activity both on and off its site.⁹ This allows Facebook to make inferences about users beyond what they explicitly disclose, like their “interests,” “behavior,” and “connections.”¹⁰ Facebook compiles this information into a generalized dataset called “Core Audiences,” which advertisers use to apply highly specific filters and parameters for their targeted advertisements.¹¹

25. Advertisers can also build “Custom Audiences.”¹² Custom Audiences enables advertisers to reach “people who have already shown interest in [their] business, whether they’re loyal customers or people who have used [their] app or visited [their] website.”¹³ With Custom Audiences, advertisers can target existing customers directly, and they can also build a “Lookalike Audiences,” which “leverages information such as demographics, interests, and behavior from your source audience to find new people who share similar qualities.”¹⁴ Unlike Core Audiences, advertisers can build Custom Audiences and Lookalike Audiences only if they first supply Facebook with the underlying data. They can do so through two mechanisms: by manually uploading contact information for customers, or by utilizing Facebook’s “Business Tools.”¹⁵

⁸ *Why Advertise on Facebook, Instagram or other Meta technologies*, FACEBOOK, <https://www.facebook.com/business/help/205029060038706> (last visited Nov. 7, 2022).

⁹ *About Meta Pixel*, FACEBOOK, <https://www.facebook.com/business/help/742478679120153?id=1205376682832142> (last visited Nov. 7, 2022).

¹⁰ *Ad Targeting: Help your ads find the people who will love your business*, FACEBOOK, <https://www.facebook.com/business/ads/ad-targeting> (last visited Nov. 7, 2022).

¹¹ *Core Audiences*, FACEBOOK, <https://www.facebook.com/business/news/Core-Audiences> (last visited Nov. 7, 2022).

¹² *About Custom Audiences*, FACEBOOK, <https://www.facebook.com/business/help/744354708981227?id=2469097953376494> (last visited Nov. 7, 2022).

¹³ *Ad Targeting: Help your ads find the people who will love your business*, FACEBOOK, <https://www.facebook.com/business/ads/ad-targeting> (last visited Nov. 7, 2022).

¹⁴ *About Lookalike Audiences*, FACEBOOK, <https://www.facebook.com/business/help/164749007013531?id=401668390442328> (last visited Nov. 7, 2022).

¹⁵ *Create a customer list Custom Audience*, FACEBOOK, <https://www.facebook.com/business/help/1704> (footnote continued)

1 26. As Facebook puts it, the Business Tools “help website owners and publishers, app
2 developers and business partners, including advertisers and others, integrate with Meta, understand and
3 measure their products and services, and better reach and serve people who might be interested in their
4 products and services.”¹⁶ Put more succinctly, Facebook’s Business Tools are bits of code that
5 advertisers can integrate into their website, mobile applications, and servers, thereby enabling Facebook
6 to intercept and collect user activity on those platforms.

7 27. The Business Tools are automatically configured to capture certain data, like when a
8 user visits a webpage, that webpage’s Universal Resource Locator (“URL”) and metadata, or when a
9 user downloads a mobile application or makes a purchase.¹⁷ Facebook’s Business Tools can also track
10 other events. Facebook offers a menu of “standard events” from which advertisers can choose,
11 including what content a visitor views or purchases.¹⁸ Advertisers can even create their own tracking
12 parameters by building a “custom event.”¹⁹

13 28. One such Business Tool is the Facebook Tracking Pixel. Facebook offers this piece of
14 code to advertisers, like MemorialCare, to integrate into their website. As the name implies, the
15 Facebook Pixel “tracks the people and type of actions they take.”²⁰ When a user accesses a website
16

17 56843145568?id=2469097953376494 (last visited Nov. 7, 2022); *Create a Website Custom Audience*,
18 FACEBOOK, <https://www.facebook.com/business/help/1474662202748341?id=2469097953376494>
19 (last visited Nov. 7, 2022).

20 ¹⁶ *The Meta Business Tools*, FACEBOOK, <https://www.facebook.com/help/331509497253087> (last
21 visited Nov. 7, 2022).

22 ¹⁷ *See Meta Pixel: Advanced*: FACEBOOK, [https://developers.facebook.com/docs/facebook-pixel/](https://developers.facebook.com/docs/facebook-pixel/advanced/)
23 [advanced/](https://developers.facebook.com/docs/facebook-pixel/advanced/) (last visited Nov. 7, 2022); *see also Best practices for Meta Pixel setup*, FACEBOOK,
24 <https://www.facebook.com/business/help/218844828315224?id=1205376682832142> (last visited Nov.
25 7, 2022); *App Events API*, FACEBOOK, [https://developers.facebook.com/docs/marketing-api/app-event-](https://developers.facebook.com/docs/marketing-api/app-event-api/)
26 [api/](https://developers.facebook.com/docs/marketing-api/app-event-api/) (last visited Nov. 7, 2022).

27 ¹⁸ *Specifications for Meta Pixel standard events*, FACEBOOK, [https://www.facebook.com/business/help/](https://www.facebook.com/business/help/402791146561655?id=1205376682832142)
28 [402791146561655?id=1205376682832142](https://www.facebook.com/business/help/402791146561655?id=1205376682832142) (Nov. 7, 2022).

¹⁹ *About standard and custom website events*, FACEBOOK, [https://www.facebook.com/business/help/96](https://www.facebook.com/business/help/964258670337005?id=1205376682832142)
[4258670337005?id=1205376682832142](https://www.facebook.com/business/help/964258670337005?id=1205376682832142) (Nov. 7, 2022); *App Events API*, FACEBOOK, [https://](https://developers.facebook.com/docs/marketing-api/app-event-api/)
developers.facebook.com/docs/marketing-api/app-event-api/ (Nov. 7, 2022).

²⁰ *Retargeting*, FACEBOOK, <https://www.facebook.com/business/goals/retargeting> (last visited Nov. 7,
2022).

1 that has installed the Facebook Pixel into its code, Facebook’s software script surreptitiously directs
 2 the user’s browser to send a separate message to Facebook’s servers. This second, secret transmission
 3 contains the original GET request sent to the host website, along with additional data that the Facebook
 4 Pixel is configured to collect. This transmission is initiated by Facebook code and concurrent with the
 5 communications with the host website. Two sets of code are thus automatically run as part of the
 6 browser’s attempt to load and read Defendant’s websites—Defendant’s own code, and Facebook’s
 7 embedded code.

8 29. An example illustrates the point. When an individual navigates to
 9 www.memorialcare.org and clicks on a particular physician’s profile—or any other webpage installed
 10 with Facebook Pixel—the individual’s browser sends a GET request to Defendant’s server requesting
 11 that server to load the particular webpage. Facebook Pixel, via cookies and embedded code, silently
 12 instructs the user’s browser to duplicate and transmit the user’s communications with
 13 www.memorialcare.org, sending the corresponding data to Facebook’s servers, alongside additional
 14 information that transcribes the communication’s content and the individual’s identity.

15 30. After collecting and intercepting this information, Facebook processes it, analyzes it,
 16 and assimilates it into datasets like Core Audiences and Custom Audiences.

17 **E. How MemorialCare Discloses Class Members Protected Health Information and Assists**
 18 **with Intercepting Communications**

19 31. Through the Facebook Pixel, Defendant shares its patients’ identities and online activity,
 20 including information and search results related to their private medical treatment.

21 32. For example, when a patient visits www.memorialcare.org to search for a doctor, they
 22 may select the “Find a Provider” button, which takes them to the “Find a Provider” page.
 23
 24
 25
 26
 27
 28

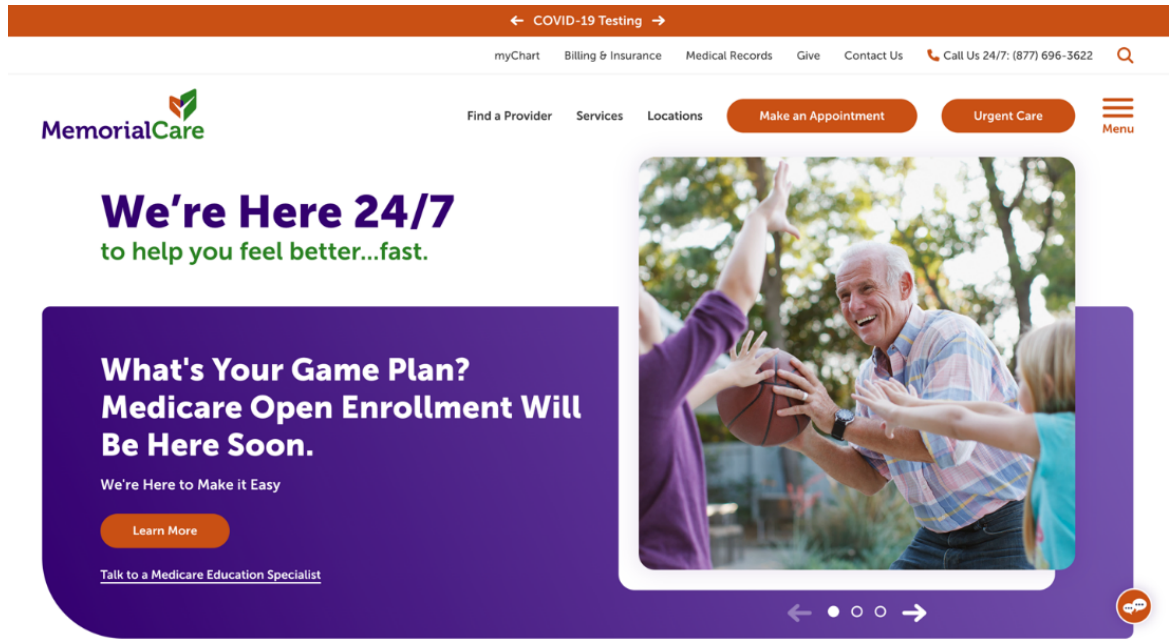


Figure 1. Image of www.memorialcare.org's landing page.

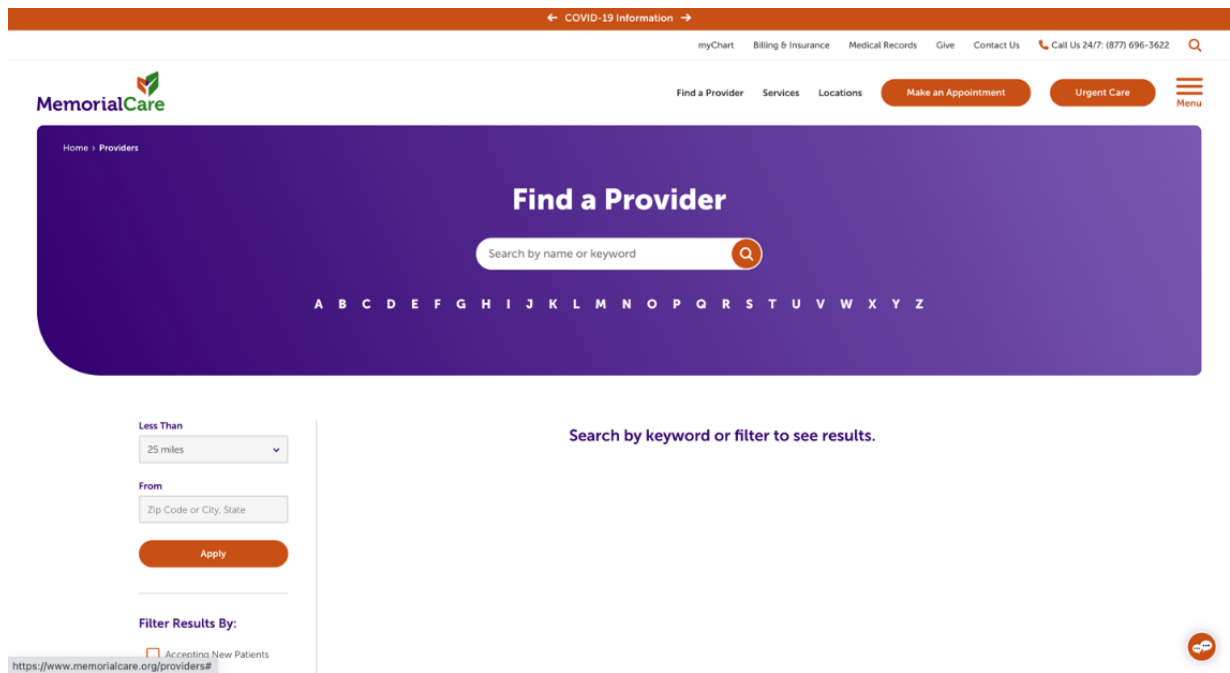


Figure 2. Defendant directs patients to its “Find a Provider” webpage.

33. If a patients selects filters or enters keywords into the search bar on the “Find a Provider” webpage, the filters and search terms are transmitted via the Facebook Pixel. Similarly, if a patient uses the websites’ general search bar or chat, the terms and phrases the patient types are transmitted to

Facebook, even if they contain a patient's treatment, procedures, medical conditions, and related queries.

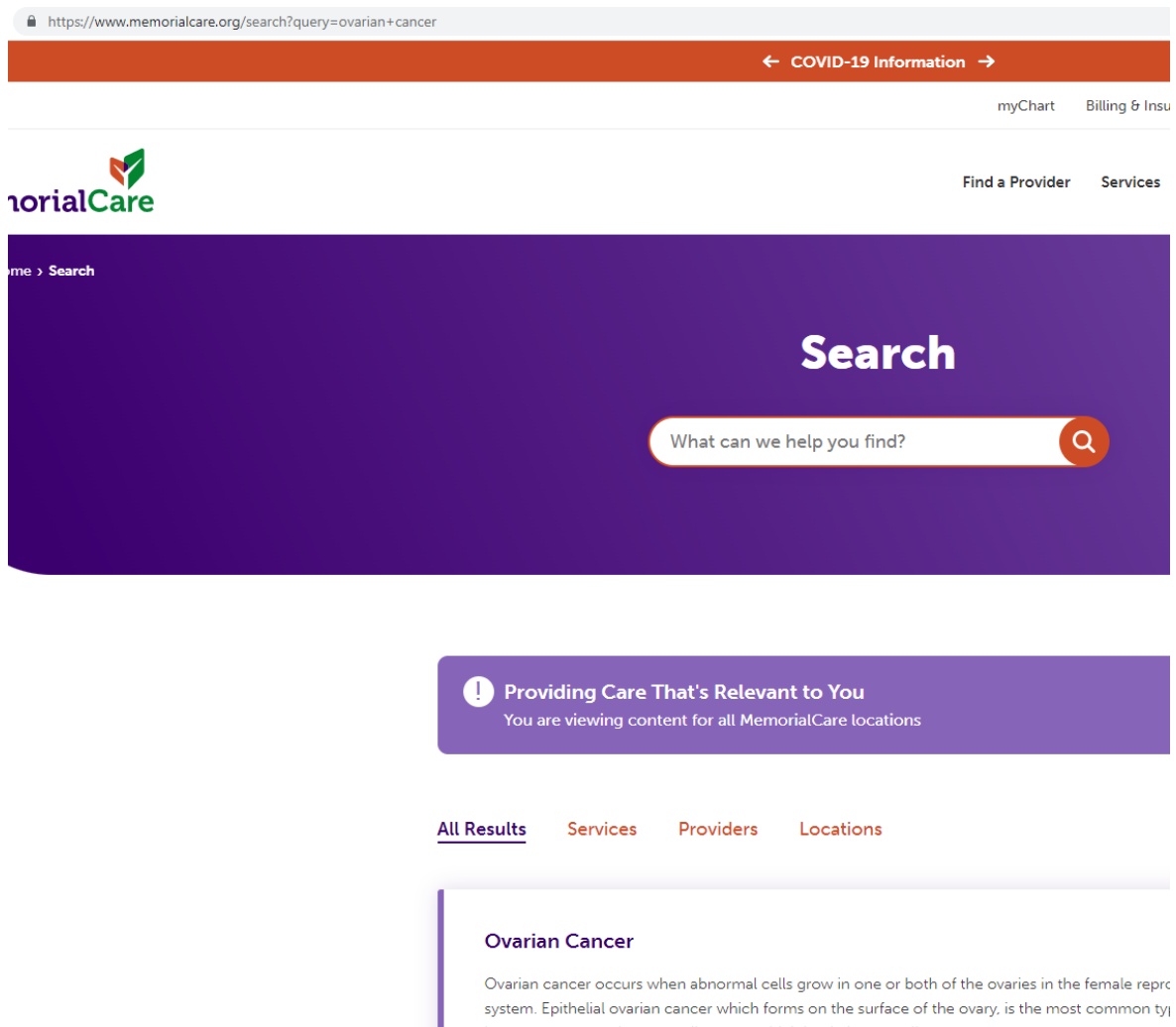


Figure 3²¹

²¹ On information and belief, the text users type into the search bar is transmitted and included in the web address and URL that corresponds with the search results. https://www.memorialcare.org/search?query=ovarian+cancer (last accessed Nov. 1, 2022).

34. The “Find a Provider” page also allows patients to narrow search results based on distance from a particular location, “Hospital,” “Medical Group,” and the provider’s “Specialty.” Patients can also narrow their search results based on the provider’s gender and spoken languages.

The screenshot displays a search interface for finding a provider. It includes several filter sections:

- Less Than:** A dropdown menu showing "25 miles".
- From:** A text input field for "Zip Code or City, State".
- Apply:** An orange button to submit the search.
- Filter Results By:** A section with three checkboxes: "Accepting New Patients", "Accepting Virtual Visits", and "Book Appointment Online".
- Specialty:** A text input field for "Search or Select".
- Hospital:** A text input field for "Search or Select".
- Medical Group:** A section with three checkboxes: "MemorialCare Medical Group", "Greater Newport Physicians", and "Edinger Medical Group".
- Insurances Accepted:** A text input field for "Search or Select".
- Language:** A text input field for "Search or Select".
- Gender:** A section with two radio buttons: "Male" and "Female".

Below the "Insurances Accepted" field, there is a note: "Medical Group is required".

Figures 4 & 5

35. After taking any of these actions on the Find a Provider page, patients are subsequently directed to the “Provider Search Results” page, and their selections or search parameters are automatically transmitted.

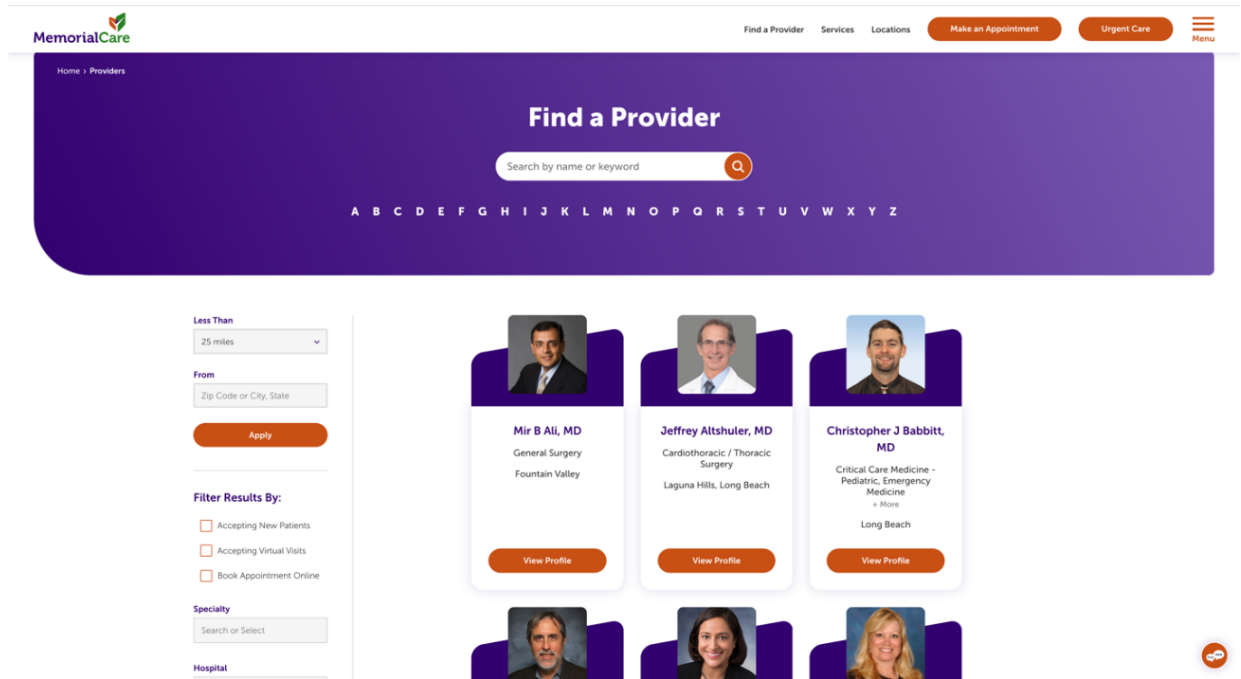


Figure 6. Defendant’s “Find a Provider” webpage identifies doctors that fit the patient’s search criteria.

36. Once a patient chooses a doctor, all of the information that patient has submitted is automatically sent directly to Facebook. On information and belief, the information transmitted to Facebook includes: (1) the patient’s unique and persistent Facebook ID (c_user ID), (2) the fact that the patient clicked on a specific provider’s profile page (Dr. Allison Diamant in the example below), (3) the patient’s search parameters (demonstrating they specifically searched for a female doctor, specialized in Internal Medicine, who is also recognized as an “LGBTQ Champion,”), and (4) the patient’s location filter (demonstrating the patient sought a provider located in Santa Monica).

```
+ https://www.facebook.com/tr/?id=222836392271290&ev=Microdata&dl=https%3A%2F%2Fwww.uclahealth.org%2Fproviders%2F%2Ffallison-diamant&rl=https%3A%2F%2Fwww.uclahealth.org%2Fproviders%2Fsearch%3F%255B%255D%3Dbook-online%253A1%26f%255B1%255D%3Dgender%253Afemale%26f%255B2%255D%3Dlgbtq-champion%253A1%26f%255B3%255D%3Dspecialty%253A48291%26s%3Dsanta%2520monica&if=false&ts=1642513633375&cd[DataLayer]=%5B%5D&cd[Meta]=%7B%22title%22%3A%22Allison%20L.%20Diamant%2C%20MD%2C%20MSHS%20%7C%20Internal%20Medicine%20-%20Santa%20Monica%2C%20CA%22%7D&cd[OpenGraph]=%7B%7D&cd[Schema.org]=%5B%5D&cd[JSON-LD]=%5B%5D&sw=1536&sh=864&v=2.9.48&r=stable&ec=1&o=30&fbp=fb.1.1642500078069.168398461&it=1642513631801&coo=false&dpo=LDU&dpoco=0&dpost=0&es=automatic&tm=3&exp=p1&rqm=GET
```

HEADERS

```
+ accept: image/avif,image/webp,image/apng,image/svg+xml,image/*,*/*;q=0.8
+ accept-encoding: gzip, deflate, br
+ accept-language: en-US,en;q=0.9
+ connection: keep-alive
+ cookie: sb=pI_mYbDjWuo9xL0ujLYAqmgj; datr=pY_mYUQLzBjV0goTvf8Fc5kk; dpr=1.25;
c_user=1000709430000; xs=31%3AixsejnhZuCR64w%3A2%3A1642500031%3A-1%3A-1;
fr=0lFW0ez5zBqyosnvK.AWUQ0z3006Xiyeb4ABdDft7tfpw.Bh5o-k.XV.AAA.0.0.Bh5o-
_.AWWrZTrctzQ; spin=r.1004946732_b.trunk_t.1642500037_s.1_v.2_
+ host: www.facebook.com
+ referer: https://www.uclahealth.org/
```

Figure 7²²

37. Defendant's website also includes a feature that allows patients to book appointments through a particular doctor's profile page. If a patient clicks on the "Schedule an Appointment" button, this action is communicated and shared with Facebook. Facebook classifies this event as a "SubscribedButtonClick," which indicates that the patient clicked the specific button (in order to book the appointment). Similarly, each doctor's profile page includes a direct link that allows patient to call the doctor's office, and, upon clicking the telephone number button, the patient's click is shared with Facebook.

²² The screenshot above serves as example and demonstrates the types of data transmitted during an HTTP single communication session. This information is automatically sent from the patient's device to Facebook, and it reveals the patients FID (c_user field) along with each search filter the patient selected.

+ https://www.facebook.com/tr/?id=22283639271290&ev=SubscribedButtonClick&dl=https%3A%2F%2Fwww.uclahealth.org%2Fproviders%2Fallison-diamant&url=https%3A%2F%2Fwww.uclahealth.org%2Fproviders%2Fsearch%3F%255B0%255Dbook-online%253A1%26%255B1%255D%255Dgender%253Afemale%26%255B2%255D%255Dlgbtq-champion%253A1%26%255B3%255D%255Dspecialty%253A48291%26%253Dsanta%2520monica&if=false&ts=1642515885628&cd[buttonFeatures]=%7B%22classList%22%3A%22button%20button--primary-alt%20button--small%22%2C%22destination%22%3A%22%2C%22id%22%3A%22%2C%22imageUrl%22%3A%22%2C%22innerText%22%3A%22Book%20an%20Appointment%22%2C%22numChildButtons%22%3A0%2C%22tag%22%3A%22button%22%2C%22name%22%3A%22%2C%22value%22%3A%22%2C%22%7D&cd[buttonText]=Book%20an%20Appointment&cd[formFeatures]=%5B%5D&cd[pageFeatures]=%7B%22title%22%3A%22Allison%20L.%20Diamant%2C%20MD%2C%20MSH%20%7C%20Internal%20Medicine%20-%20Santa%20Monica%2C%20CA%22%7D&cd[parameters]=%5B%5D&sw=1920&sh=1080&v=2.9.48&r=stable&ec=2&o=30&fbp=fb.1.1642500078069.168398461&it=1642513631801&coo=false&dpo=LDU&dpc o=0&dpost=0&es=automatic&tm=3&exp=p1&rqm=GET

```
+ accept: image/avif,image/webp,image/apng,image/svg+xml,image/*,*/*;q=0.8
+ accept-encoding: gzip, deflate, br
+ accept-language: en-US,en;q=0.9
+ connection: keep-alive
+ cookie: sb=pI_mYbDjWuo9xL0UjLYAqmgj; datr=pY_mYUQLzBjV0goTvf8Fc5kk; dpr=1.25;
  c_user=10007[REDACTED]; xs=31%3AixsejnhZuCR64w%3A2%3A1642500031%3A-1%3A-1;
  fr=0lFW0ez5zBqyosnvK.AWUQ0z3006XiyeB4ABdDft7tfpw.Bh5o-k.XV.AAA.0.0.Bh5o-_.AWWrZTrctzQ;
  spin=r.1004946732_b.trunk_t.1642500037_s.1_v.2_
+ host: www.facebook.com
+ referer: https://www.uclahealth.org/
```

²³ The screenshot above serves as example and demonstrates the types of data transmitted during an HTTP single communication session. This information is automatically sent from the patient's device to Facebook, and it reveals the patients FID (c_user field) along with information indicating that the user booked an appointment with a particular physician.

Request URL: https://www.facebook.com/tr/?id=222836392271290&ev=SubscribedButtonClick&dl=https%3A%2F%2Fwww.uclahealth.org%2Fproviders%2Fsearch%3F%3D%2BAngeles%26f%2550%2550%3D%2B%26f%2551%2550%3D%2B%26f%2552%2550%3D%2B%26f%2553%2550%3D%2B%26f%2554%2550%3D%2B%26f%2555%2550%3D%2B%26f%2556%2550%3D%2B%26f%2557%2550%3D%2B%26f%2558%2550%3D%2B%26f%2559%2550%3D%2B%26f%255A%2550%3D%2B%26f%255B%2550%3D%2B%26f%255C%2550%3D%2B%26f%255D%2550%3D%2B%26f%255E%2550%3D%2B%26f%255F%2550%3D%2B%26f%2560%2550%3D%2B%26f%2561%2550%3D%2B%26f%2562%2550%3D%2B%26f%2563%2550%3D%2B%26f%2564%2550%3D%2B%26f%2565%2550%3D%2B%26f%2566%2550%3D%2B%26f%2567%2550%3D%2B%26f%2568%2550%3D%2B%26f%2569%2550%3D%2B%26f%256A%2550%3D%2B%26f%256B%2550%3D%2B%26f%256C%2550%3D%2B%26f%256D%2550%3D%2B%26f%256E%2550%3D%2B%26f%256F%2550%3D%2B%26f%2570%2550%3D%2B%26f%2571%2550%3D%2B%26f%2572%2550%3D%2B%26f%2573%2550%3D%2B%26f%2574%2550%3D%2B%26f%2575%2550%3D%2B%26f%2576%2550%3D%2B%26f%2577%2550%3D%2B%26f%2578%2550%3D%2B%26f%2579%2550%3D%2B%26f%257A%2550%3D%2B%26f%257B%2550%3D%2B%26f%257C%2550%3D%2B%26f%257D%2550%3D%2B%26f%257E%2550%3D%2B%26f%257F%2550%3D%2B%26f%2580%2550%3D%2B%26f%2581%2550%3D%2B%26f%2582%2550%3D%2B%26f%2583%2550%3D%2B%26f%2584%2550%3D%2B%26f%2585%2550%3D%2B%26f%2586%2550%3D%2B%26f%2587%2550%3D%2B%26f%2588%2550%3D%2B%26f%2589%2550%3D%2B%26f%258A%2550%3D%2B%26f%258B%2550%3D%2B%26f%258C%2550%3D%2B%26f%258D%2550%3D%2B%26f%258E%2550%3D%2B%26f%258F%2550%3D%2B%26f%2590%2550%3D%2B%26f%2591%2550%3D%2B%26f%2592%2550%3D%2B%26f%2593%2550%3D%2B%26f%2594%2550%3D%2B%26f%2595%2550%3D%2B%26f%2596%2550%3D%2B%26f%2597%2550%3D%2B%26f%2598%2550%3D%2B%26f%2599%2550%3D%2B%26f%259A%2550%3D%2B%26f%259B%2550%3D%2B%26f%259C%2550%3D%2B%26f%259D%2550%3D%2B%26f%259E%2550%3D%2B%26f%259F%2550%3D%2B%26f%25A0%2550%3D%2B%26f%25A1%2550%3D%2B%26f%25A2%2550%3D%2B%26f%25A3%2550%3D%2B%26f%25A4%2550%3D%2B%26f%25A5%2550%3D%2B%26f%25A6%2550%3D%2B%26f%25A7%2550%3D%2B%26f%25A8%2550%3D%2B%26f%25A9%2550%3D%2B%26f%25AA%2550%3D%2B%26f%25AB%2550%3D%2B%26f%25AC%2550%3D%2B%26f%25AD%2550%3D%2B%26f%25AE%2550%3D%2B%26f%25AF%2550%3D%2B%26f%25B0%2550%3D%2B%26f%25B1%2550%3D%2B%26f%25B2%2550%3D%2B%26f%25B3%2550%3D%2B%26f%25B4%2550%3D%2B%26f%25B5%2550%3D%2B%26f%25B6%2550%3D%2B%26f%25B7%2550%3D%2B%26f%25B8%2550%3D%2B%26f%25B9%2550%3D%2B%26f%25BA%2550%3D%2B%26f%25BB%2550%3D%2B%26f%25BC%2550%3D%2B%26f%25BD%2550%3D%2B%26f%25BE%2550%3D%2B%26f%25BF%2550%3D%2B%26f%25C0%2550%3D%2B%26f%25C1%2550%3D%2B%26f%25C2%2550%3D%2B%26f%25C3%2550%3D%2B%26f%25C4%2550%3D%2B%26f%25C5%2550%3D%2B%26f%25C6%2550%3D%2B%26f%25C7%2550%3D%2B%26f%25C8%2550%3D%2B%26f%25C9%2550%3D%2B%26f%25CA%2550%3D%2B%26f%25CB%2550%3D%2B%26f%25CC%2550%3D%2B%26f%25CD%2550%3D%2B%26f%25CE%2550%3D%2B%26f%25CF%2550%3D%2B%26f%25D0%2550%3D%2B%26f%25D1%2550%3D%2B%26f%25D2%2550%3D%2B%26f%25D3%2550%3D%2B%26f%25D4%2550%3D%2B%26f%25D5%2550%3D%2B%26f%25D6%2550%3D%2B%26f%25D7%2550%3D%2B%26f%25D8%2550%3D%2B%26f%25D9%2550%3D%2B%26f%25DA%2550%3D%2B%26f%25DB%2550%3D%2B%26f%25DC%2550%3D%2B%26f%25DD%2550%3D%2B%26f%25DE%2550%3D%2B%26f%25DF%2550%3D%2B%26f%25E0%2550%3D%2B%26f%25E1%2550%3D%2B%26f%25E2%2550%3D%2B%26f%25E3%2550%3D%2B%26f%25E4%2550%3D%2B%26f%25E5%2550%3D%2B%26f%25E6%2550%3D%2B%26f%25E7%2550%3D%2B%26f%25E8%2550%3D%2B%26f%25E9%2550%3D%2B%26f%25EA%2550%3D%2B%26f%25EB%2550%3D%2B%26f%25EC%2550%3D%2B%26f%25ED%2550%3D%2B%26f%25EE%2550%3D%2B%26f%25EF%2550%3D%2B%26f%25F0%2550%3D%2B%26f%25F1%2550%3D%2B%26f%25F2%2550%3D%2B%26f%25F3%2550%3D%2B%26f%25F4%2550%3D%2B%26f%25F5%2550%3D%2B%26f%25F6%2550%3D%2B%26f%25F7%2550%3D%2B%26f%25F8%2550%3D%2B%26f%25F9%2550%3D%2B%26f%25FA%2550%3D%2B%26f%25FB%2550%3D%2B%26f%25FC%2550%3D%2B%26f%25FD%2550%3D%2B%26f%25FE%2550%3D%2B%26f%25FF%2550%3D%2B%26f%2600%2550%3D%2B%26f%2601%2550%3D%2B%26f%2602%2550%3D%2B%26f%2603%2550%3D%2B%26f%2604%2550%3D%2B%26f%2605%2550%3D%2B%26f%2606%2550%3D%2B%26f%2607%2550%3D%2B%26f%2608%2550%3D%2B%26f%2609%2550%3D%2B%26f%260A%2550%3D%2B%26f%260B%2550%3D%2B%26f%260C%2550%3D%2B%26f%260D%2550%3D%2B%26f%260E%2550%3D%2B%26f%260F%2550%3D%2B%26f%2610%2550%3D%2B%26f%2611%2550%3D%2B%26f%2612%2550%3D%2B%26f%2613%2550%3D%2B%26f%2614%2550%3D%2B%26f%2615%2550%3D%2B%26f%2616%2550%3D%2B%26f%2617%2550%3D%2B%26f%2618%2550%3D%2B%26f%2619%25

Figure 9

```
:path: /tr/?id=22283639271290&ev=Microdata&dl=https%3A%2F%2Fwww.uclahealth.org%2Fsearch%3Fs%3D
DHIV%2520medicine%26f%255B0%255D%3Dtype%253Aprovider&rl=https%3A%2F%2Fwww.uclahealth.org%2Fse
arch%3Fs%3DHIIV%2Bmedicine&if=false&ts=1642515745868&cd[DataLayer]=%5B%5D&cd[Meta]=%7B%22titl
e%22%3A%22Search%20%7C%20UCLA%20Health%22%7D&cd[OpenGraph]=%7B%7D&cd[Schema.org]=%5B%5D&cd[JS
ON-LD]=%5B%5D&sw=1536&sh=864&v=2.9.48&r=stable&ec=1&o=30&fbp=fb.1.1640625648232.661784334&it=
1642515743709&coo=false&dpo=LDU&dpoco=0&dpost=0&es=automatic&tm=3&exp=p0&rqm=GET

:scheme: https

accept: image/avif,image/webp,image/apng,image/svg+xml,image/*,*/*;q=0.8

accept-encoding: gzip, deflate, br

accept-language: en-US,en;q=0.9,he-IL;q=0.8,he;q=0.7

cookie: sb=qw4iYT-Z_p8ybndz7VKkxq52; datr=qw4iYVv80fZiYfpI_z08FMZV; c_user=106[REDACTED]; xs
=37%3AJEnZ42UJabsIfa%3A2%3A1640864938%3A-1%3A15115%3A%3AAcwemPx7dfxnqoAvSk8IUPvioF-7BcofON1zd
WMT0A; fr=05JHLDPPaBUvMEtHs.AwVpgo6XJQAt2aEm_xHvepF2Fog.Bh3rtS.tx.AAA.0.0.Bh3rtS.AwW_E1mH7nY;
dpr=1.25
```

Figure 10 ²⁴

²⁴ Figures 9 and 10 are not specific to Defendant's web page or to Plaintiff's search queries but nonetheless demonstrate *how* and *what* is communicated via the Facebook Pixel. Importantly, this (footnote continued)

39. Each time Defendant sends this activity data, it also discloses a patient's personally identifiable information.

40. A user who accesses Defendant's website while logged into Facebook will transmit the c_user cookie to Facebook, which contains that user's unencrypted Facebook ID. When accessing memorialcare.org, for example, Facebook receives even cookies, six of which are visible here:

presence	C%7B...	.facebook.com
xs	3%3Ar...	.facebook.com
c_user	10003...	.facebook.com
fr	00ZpYJ...	.facebook.com
datr	MalzYj...	.facebook.com
sb	qqAzY...	.facebook.com

Figure 11

41. When a visitor's browser has recently logged out of an account, Facebook compels the visitor's browser to send a smaller set of cookies.²⁵

fr	00Zp...	.facebook.com
wd	1156...	.facebook.com
sb	qqAz...	.facebook.com
datr	Malz...	.facebook.com

Figure 12

42. The fr cookie contains, at least, an encrypted Facebook ID and browser identifier.²⁶ Facebook, at a minimum, uses the fr cookie to identify users.²⁷ At each stage, Defendant also utilizes

occurred without Plaintiff's knowledge or consent because patients' communications with www.memorialcare.org are simultaneously duplicated and transmitted to Facebook, alongside their unique Facebook ID (c_user ID), during a single HTTP communication session.

²⁵ Not pictured here and in the preceding image is the _fbp cookie, which is transmitted as a first-party cookie.

²⁶ *Facebook Ireland Ltd: Report of Re-Audit*, DATA PROTECTION COMMISSIONER (Sept. 21, 2012), http://www.europe-v-facebook.org/ODPC_Review.pdf.

²⁷ *Cookies Policy*, FACEBOOK, <https://www.facebook.com/policy/cookies/> (last visited Nov. 7, 2022).

1 the _fbp cookie, which attaches to a browser as a first-party cookie, and which Facebook uses to
2 identify a browser and a user.²⁸

3 43. The fr cookie expires after 90 days unless the visitor's browser logs back into Facebook
4 or is otherwise used to visit the same website.²⁹ If that happens, the time resets, and another 90 days
5 begins to accrue.³⁰

6 44. The Facebook Tracking Pixel uses both first and third-party cookies. A first-party
7 cookie is "created by the website the user is visiting"—i.e., www.memorialcare.org.³¹ A third-party
8 cookie is "created by a website with a domain name other than the one the user is currently visiting"—
9 i.e., Facebook.³² The _fbp cookie is always transmitted as a first-party cookie. A duplicate _fbp cookie
10 is sometimes sent as a third-party cookie, depending on whether the browser has recently logged into
11 Facebook.

12 45. Facebook, at a minimum, uses the fr, _fbp, and c_user cookies to link to Facebook IDs
13 and corresponding Facebook profiles, and, as shown in the above figures, Defendant sends these
14 identifiers alongside the event data.

15 46. Plaintiff never consented, agreed, authorized, or otherwise permitted Defendant to
16 disclose her personally identifiable information and protected health information and assist with
17 intercepting her communications. Plaintiff was never provided with any written notice that Defendant
18 discloses its website users' protected health information, nor was she provided any means of opting out
19 of such disclosures. Defendant nonetheless knowingly disclosed Plaintiff's protected health
20 information to Facebook.

21
22
23 ²⁸ *Id.*

24 ²⁹ *Id.*

25 ³⁰ Confirmable through developer tools.

26 ³¹ *First-party cookie*, PC MAG, <https://www.pcmag.com/encyclopedia/term/first-party-cookie> (last
27 visited Nov. 7, 2022). This is confirmable by using developer tools to inspect a website's cookies and
track network activity.

28 ³² *Id.* This is also confirmable by tracking network activity.

1 the Class. The identity of such membership is readily ascertainable from MemorialCare's records and
 2 non-party Facebook's records.

3 52. **Typicality.** Plaintiff's claims are typical of the claims of the Class because Plaintiff used
 4 www.memorialcare.org and had her personally identifiable information and protected health
 5 information disclosed to Facebook without her express written authorization or knowledge. Plaintiff's
 6 claims are based on the same legal theories as the claims of other Class members.

7 53. **Adequacy.** Plaintiff is fully prepared to take all necessary steps to represent fairly and
 8 adequately the interests of the Class members. Plaintiff's interests are coincident with, and not
 9 antagonistic to, those of the members of the Class. Plaintiff is represented by attorneys with experience
 10 in the prosecution of class action litigation generally and in the emerging field of digital privacy
 11 litigation specifically. Plaintiff's attorneys are committed to vigorously prosecuting this action on
 12 behalf of the members of the Class.

13 54. **Common Questions of Law and Fact Predominate/Well Defined Community of**
 14 **Interest.** Questions of law and fact common to the members of the Class predominate over questions
 15 that may affect only individual members of the Class because Defendant has acted on grounds generally
 16 applicable to the Class. Such generally applicable conduct is inherent in Defendant's wrongful conduct.
 17 Questions of law and fact common to the Classes include:

- 18 (a) Whether Defendant intentionally tapped the lines of internet communication between
 19 patients and their medical providers;
- 20 (b) Whether Defendant's website surreptitiously records personally identifiable
 21 information, protected health information, and related communications and
 22 subsequently, or simultaneously, discloses that information to Facebook;
- 23 (c) Whether Facebook is a third-party eavesdropper;
- 24 (d) Whether Defendant's disclosures of personally identifiable information, protected
 25 health information, and related communications constitute an affirmative act of
 26 communication;

- 1 (e) Whether Defendant's conduct, which allowed Facebook—an unauthorized person—to
 2 view Plaintiff's and Class members' personally identifiable information and protected
 3 health information, resulted in a breach of confidentiality;
- 4 (f) Whether Defendant violated Plaintiff's and Class members' privacy rights by using
 5 Facebook's tracking pixel to record and communicate online patients' FIDs alongside
 6 their confidential medical communications;
- 7 (g) Whether Plaintiff and Class members are entitled to damages under CIPA, the CMIA,
 8 or any other relevant statute;
- 9 (h) Whether Defendant's actions violate Plaintiff's and Class members' privacy rights as
 10 provided by the California Constitution;

11 55. **Superiority.** Class action treatment is a superior method for the fair and efficient
 12 adjudication of the controversy. Such treatment will permit a large number of similarly situated persons
 13 to prosecute their common claims in a single forum simultaneously, efficiently, and without the
 14 unnecessary duplication of evidence, effort, or expense that numerous individual actions would
 15 engender. The benefits of proceeding through the class mechanism, including providing injured persons
 16 or entities a method for obtaining redress on claims that could not practicably be pursued individually,
 17 substantially outweighs potential difficulties in management of this class action. Plaintiff knows of no
 18 special difficulty to be encountered in litigating this action that would preclude its maintenance as a
 19 class action.

20 CLAIMS FOR RELIEF

21 COUNT I

22 **Violations of the California Invasion of Privacy Act, 23 Cal. Penal Code § 631**

24 56. Plaintiff repeats the allegations contained in the paragraphs above as if fully set forth
 25 herein and bring this Count individually and on behalf of the members of the Class.

26 57. The California Invasion of Privacy Act ("CIPA") is codified at Cal. Penal Code §§ 630
 27 to 638. The Act begins with its statement of purpose.

28 The Legislature hereby declares that advances in science and technology have led
 to the development of new devices and techniques for the purpose of

eavesdropping upon private communications and that the invasion of privacy resulting from the continual and increasing use of such devices and techniques has created a serious threat to the free exercise of personal liberties and cannot be tolerated in a free and civilized society.

Cal. Penal Code § 630.

58. California penal Code section 631(a) provides, in pertinent part:

Any person who, by means of any machine, instrument, or contrivance, or in any other manner ... willfully and without the consent of all parties to the communication, or in any unauthorized manner, reads, or attempts to read, or to learn the contents or meaning of any message, report, or communication while the same is in transit or passing over any wire, line, or cable, or is being sent from, or received at any place within this state; or who uses, or attempts to use, in any manner, or for any purpose, or to communicate in any way, any information so obtained, or *who aids, agrees with, employs, or conspires* with any person or persons to unlawfully do, or permit, or cause to be done any of the acts or things mentioned above in this section, is punishable by a fine not exceeding two thousand five hundred dollars (\$2,500).

Cal. Penal Code § 631(a) (emphasis added).

59. A defendant must show it had the consent of *all* parties to a communication.

60. At all relevant times, Defendant aided, agreed with, and conspired with Facebook to track and intercept Plaintiff's and Class Members' internet communications while accessing www.memorialcare.org. They intercepted these communications without authorization and consent from Plaintiff and Class Members.

61. Defendant, when aiding and assisting Facebook's eavesdropping, intended to help Facebook learn some meaning of the content in the URLs and the content the visitor requested.

62. The following items constitute "machine[s], instrument[s], or contrivance[s]" under the CIPA, and even if they do not, the Facebook Tracking Pixel falls under the broad catch-all category of "any other manner":

- a. The computer codes and programs Facebook used to track Plaintiff's and the Class Members' communications while they were navigating memorialcare.org;
- b. The Plaintiff's and Class Member's browsers;
- c. The Plaintiff's and Class Members' computing and mobile devices;
- d. Facebook's web and ad servers;

e. The web and ad-servers from which Facebook tracked and intercepted the Plaintiff's and Class Members' communications while they were using a web browser to access or navigate the memorialcare.org;

f. The computer codes and programs used by Facebook to effectuate its tracking and interception of the Plaintiff's and Class Members' communications while they were using a browser to visit Defendant's website; and

g. The plan Facebook carried out to effectuate its tracking and interception of the Plaintiff's and Class Members' communications while they were using a web browser or mobile application to visit Defendant's website.

63. Defendant failed to disclose that it is used Facebook Pixel specifically to track and automatically transmit its patients' private and confidential communications to a third party, i.e., Facebook. Moreover, the Patient Privacy Notice states that sharing information about patients for marketing or sale of health information requires patients' authorization (as it does for every disclosure of health information not provided for under the Privacy Policy).

64. The patient communication information that Defendant transmitted using Facebook Pixel, such as doctor appointment booking information, constitutes protected health information.

65. As demonstrated hereinabove, Defendant violated CIPA by aiding and permitting third parties to receive its patients' online communications through its website without their consent.

66. By disclosing Plaintiff's and the Class's Private Health Information, Defendant violated Plaintiff's and Class Members' statutorily protected right to privacy.

67. As a result of the above violations, Defendant is liable to the Plaintiff and other Class Members for actual damages related to their loss of privacy in an amount to be determined at trial or alternatively for "liquidated damages not less than \$2,500 per plaintiff." Pursuant to CIPA Section 637.2, any person who has been injured by a violation of CIPA may recover \$5,000 dollars per violation or three times the amount of actual damages (the greater of these two options). Additionally, Section 637.2 specifically states that "[it] is not a necessary prerequisite to an action pursuant to this section that the plaintiffs has suffered, or be threatened with, actual damages."

68. Under the statute, Defendant is also liable for reasonable attorney's fees, and other litigation costs, injunctive and declaratory relief, and punitive damages in an amount to be determined by a jury, but sufficient to prevent the same or similar conduct by the Defendant in the future.

COUNT II
Violations Of the California Confidentiality of Medical Information Act
Cal. Civ. Code § 56.10

69. Under the California Confidentiality of Medical Information Act ("CMIA") section 56.10, providers of health care are prohibited from disclosing medical information relating to their patients, without a patient's authorization. Medical information refers to "any individually identifiable information, in electronic or physical form, in possession of or derived from a provider of health care . . . regarding a patient's medical history, mental or physical condition, or treatment. 'Individually Identifiable' means that the medical information includes or contains any element of personal identifying information sufficient to allow identification of the individual" Cal. Civ. Code § 56.05.

70. Plaintiff and Class Members are patients, and, as a health care provider, Defendant has an ongoing obligation to comply with the CMIA's requirements.

71. As set forth hereinabove, Facebook ID is an identifier sufficient to allow identification of an individual. Along with patients' Facebook ID, MemorialCare discloses to Facebook several pieces of information regarding its patients' use of its website, which includes, but is not limited to: patient medical conditions, medical concerns, treatment patients are seeking, doctor appointments, medical specialty of the doctor(s) searched for by patients, and patient information regarding COVID-19.

72. This patient information is derived from a provider of health care regarding patients' medical treatment and physical condition. Accordingly, it constitutes medical information pursuant to the CMIA.

73. As demonstrated hereinabove, MemorialCare failed to obtain its patients' authorization for the disclosure of medical information and failed to disclose in its Privacy Policy and Privacy Practices that it shares protected health information for marketing purposes.

74. Pursuant to CMIA section 56.11, a valid authorization for disclosure of medical information must be (1) "clearly separate from any other language present on the same page and is executed by a signature which serves no other purpose than to execute the authorization" (2) signed

1 and dated by the patient or his representative (3) state the name and function of the third party that
2 receives the information (4) state a specific date after which the authorization expires. Accordingly, the
3 information set forth in MemorialCare's Privacy Policy, Patient Privacy Notice, and Terms of Use do
4 not qualify as a valid authorization.

5 75. Based on the above, MemorialCare violated the CMIA by disclosing its patients'
6 medical information with Facebook along with the patients' Facebook ID.

7 76. Under the CMIA, a patient may recover compensatory damages, punitive damages not
8 to exceed \$3,000 dollars and attorneys' fees not to exceed \$1,000, and the costs of litigation for any
9 violating disclosure of medical information. Alternatively, a patient may recover nominal damages of
10 \$1,000 for any negligent release of medical information.

11 **COUNT III**
12 **Invasion of Privacy Under California's Constitution**

13 77. Plaintiff repeats the allegations contained in the foregoing paragraphs as if fully set forth
14 herein and bring this claim individually and on behalf of the members of the proposed Class.

15 78. Plaintiff and Class Members have an interest in: (1) precluding the dissemination and/or
16 misuse of their sensitive, confidential communications and protected health information; and (2)
17 making personal decisions and/or conducting personal activities without observation, intrusion or
18 interference, including, but not limited to, the right to visit and interact with various internet sites
19 without being subjected to wiretaps without Plaintiff's and Class Members' knowledge or consent.

20 79. At all relevant times, by using Facebook's tracking pixel to record and communicate
21 patients' FIDs alongside their confidential medical communications, MemorialCare intentionally
22 invaded Plaintiff's and Class Members' privacy rights under the California Constitution.

23 80. Plaintiff and Class Members had a reasonable expectation that their communications,
24 identity, health information, and other data would remain confidential and that MemorialCare would
25 not install wiretaps on www.memorialcare.org.

26 81. Plaintiff and Class Members did not authorize MemorialCare to record and transmit
27 Plaintiff's and Class Members' private medical communications alongside their personally identifiable
28 health information.

DEMAND FOR JURY TRIAL

85. Plaintiff, on behalf of herself and the proposed Class, demand a trial by jury for all of the claims asserted in this Complaint so triable.

Dated: December 12, 2022



Tina Wolfson (SBN 174806)
twolfson@ahdootwolfson.com
Robert Ahdoot (SBN 172098)
rahdoot@ahdootwolfson.com
Christopher E. Stiner (SBN 276033)
cstiner@ahdootwolfson.com
AHDOOT & WOLFSON, PC
2600 W. Olive Avenue, Suite 500
Burbank, CA 91505
Telephone: (310) 474-9111
Facsimile: (310) 474-4521

Andrew W. Ferich*
aferich@ahdootwolfson.com
AHDOOT & WOLFSON, PC
201 King of Prussia Road, Suite 650
Radnor, PA 19087
Telephone: (310) 474-9111
Facsimile: (310) 474-4521

Gary M. Klinger*
gklinger@milberg.com
**MILBERG COLEMAN BRYSON
PHILLIPS GROSSMAN, PLLC**
227 W. Monroe Street, Suite 2100
Chicago, IL 60606
Telephone: (847) 208-4585

Nick Suciu III*
nsuciu@milberg.com
**MILBERG COLEMAN BRYSON
PHILLIPS GROSSMAN, PLLC**
6905 Telegraph Rd., Suite 115
Bloomfield Hills, MI 48301
Telephone: (313) 303-3482
Facsimile: (865) 522-0049

**Pro hac vice application forthcoming*

Attorneys for Plaintiff and the Putative Class

FILED
Superior Court of California
County of Los Angeles

MAY 03 2019

Sherri R. Carter, Executive Officer/Clerk

By *Rizalinda Mina*, Deputy
Rizalinda Mina

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

IN RE LOS ANGELES SUPERIOR COURT) FIRST AMENDED GENERAL ORDER
 – MANDATORY ELECTRONIC FILING)
 FOR CIVIL)
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On December 3, 2018, the Los Angeles County Superior Court mandated electronic filing of all documents in Limited Civil cases by litigants represented by attorneys. On January 2, 2019, the Los Angeles County Superior Court mandated electronic filing of all documents filed in Non-Complex Unlimited Civil cases by litigants represented by attorneys. (California Rules of Court, rule 2.253(b).) All electronically filed documents in Limited and Non-Complex Unlimited cases are subject to the following:

1) **DEFINITIONS**

- a) **“Bookmark”** A bookmark is a PDF document navigational tool that allows the reader to quickly locate and navigate to a designated point of interest within a document.
- b) **“Efiling Portal”** The official court website includes a webpage, referred to as the efiling portal, that gives litigants access to the approved Electronic Filing Service Providers.
- c) **“Electronic Envelope”** A transaction through the electronic service provider for submission of documents to the Court for processing which may contain one or more PDF documents attached.
- d) **“Electronic Filing”** Electronic Filing (eFiling) is the electronic transmission to a Court of a document in electronic form. (California Rules of Court, rule 2.250(b)(7).)

- e) **“Electronic Filing Service Provider”** An Electronic Filing Service Provider (EFSP) is a person or entity that receives an electronic filing from a party for retransmission to the Court. In the submission of filings, the EFSP does so on behalf of the electronic filer and not as an agent of the Court. (California Rules of Court, rule 2.250(b)(8).)
- f) **“Electronic Signature”** For purposes of these local rules and in conformity with Code of Civil Procedure section 17, subdivision (b)(3), section 34, and section 1010.6, subdivision (b)(2), Government Code section 68150, subdivision (g), and California Rules of Court, rule 2.257, the term “Electronic Signature” is generally defined as an electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record.
- g) **“Hyperlink”** An electronic link providing direct access from one distinctively marked place in a hypertext or hypermedia document to another in the same or different document.
- h) **“Portable Document Format”** A digital document format that preserves all fonts, formatting, colors and graphics of the original source document, regardless of the application platform used.

2) MANDATORY ELECTRONIC FILING

a) Trial Court Records

Pursuant to Government Code section 68150, trial court records may be created, maintained, and preserved in electronic format. Any document that the Court receives electronically must be clerically processed and must satisfy all legal filing requirements in order to be filed as an official court record (California Rules of Court, rules 2.100, et seq. and 2.253(b)(6)).

b) Represented Litigants

Pursuant to California Rules of Court, rule 2.253(b), represented litigants are required to electronically file documents with the Court through an approved EFSP.

c) Public Notice

The Court has issued a Public Notice with effective dates the Court required parties to electronically file documents through one or more approved EFSPs. Public Notices containing effective dates and the list of EFSPs are available on the Court’s website, at www.lacourt.org.

1 d) Documents in Related Cases

2 Documents in related cases must be electronically filed in the eFiling portal for that case type if
3 electronic filing has been implemented in that case type, regardless of whether the case has
4 been related to a Civil case.

5 3) EXEMPT LITIGANTS

6 a) Pursuant to California Rules of Court, rule 2.253(b)(2), self-represented litigants are exempt
7 from mandatory electronic filing requirements.

8 b) Pursuant to Code of Civil Procedure section 1010.6, subdivision (d)(3) and California Rules of
9 Court, rule 2.253(b)(4), any party may make application to the Court requesting to be excused
10 from filing documents electronically and be permitted to file documents by conventional
11 means if the party shows undue hardship or significant prejudice.

12 4) EXEMPT FILINGS

13 a) The following documents shall not be filed electronically:

14 i) Peremptory Challenges or Challenges for Cause of a Judicial Officer pursuant to Code of
15 Civil Procedure sections 170.6 or 170.3;

16 ii) Bonds/Undertaking documents;

17 iii) Trial and Evidentiary Hearing Exhibits

18 iv) Any ex parte application that is filed concurrently with a new complaint including those
19 that will be handled by a Writs and Receivers department in the Mosk courthouse; and

20 v) Documents submitted conditionally under seal. The actual motion or application shall be
21 electronically filed. A courtesy copy of the electronically filed motion or application to
22 submit documents conditionally under seal must be provided with the documents
23 submitted conditionally under seal.

24 b) Lodgments

25 Documents attached to a Notice of Lodgment shall be lodged and/or served conventionally in
26 paper form. The actual document entitled, "Notice of Lodgment," shall be filed electronically.

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1 5) ELECTRONIC FILING SYSTEM WORKING PROCEDURES

2 Electronic filing service providers must obtain and manage registration information for persons
3 and entities electronically filing with the court.

4 6) TECHNICAL REQUIREMENTS

5 a) Electronic documents must be electronically filed in PDF, text searchable format **when**
6 technologically feasible without impairment of the document's image.

7 b) The table of contents for any filing must be bookmarked.

8 c) Electronic documents, including but not limited to, declarations, proofs of service, and
9 exhibits, must be bookmarked within the document pursuant to California Rules of Court, rule
10 3.1110(f)(4). Electronic bookmarks must include links to the first page of each bookmarked
11 item (e.g. exhibits, declarations, deposition excerpts) and with bookmark titles that identify the
12 bookedmarked item and briefly describe the item.

13 d) Attachments to primary documents must be bookmarked. Examples include, but are not
14 limited to, the following:

15 i) Depositions;

16 ii) Declarations;

17 iii) Exhibits (including exhibits to declarations);

18 iv) Transcripts (including excerpts within transcripts);

19 v) Points and Authorities;

20 vi) Citations; and

21 vii) Supporting Briefs.

22 e) Use of hyperlinks within documents (including attachments and exhibits) is strongly
23 encouraged.

24 f) Accompanying Documents

25 Each document accompanying a single pleading must be electronically filed as a **separate**
26 digital PDF document.

27 g) Multiple Documents

28 Multiple documents relating to one case can be uploaded in one envelope transaction.

h) Writs and Abstracts

Writs and Abstracts must be submitted as a separate electronic envelope.

i) Sealed Documents

If and when a judicial officer orders documents to be filed under seal, those documents must be filed electronically (unless exempted under paragraph 4); the burden of accurately designating the documents as sealed at the time of electronic submission is the submitting party's responsibility.

j) Redaction

Pursuant to California Rules of Court, rule 1.201, it is the submitting party's responsibility to redact confidential information (such as using initials for names of minors, using the last four digits of a social security number, and using the year for date of birth) so that the information shall not be publicly displayed.

7) ELECTRONIC FILING SCHEDULE

a) Filed Date

i) Any document received electronically by the court between 12:00 am and 11:59:59 pm shall be deemed to have been effectively filed on that court day if accepted for filing. Any document received electronically on a non-court day, is deemed to have been effectively filed on the next court day if accepted. (California Rules of Court, rule 2.253(b)(6); Code Civ. Proc. § 1010.6(b)(3).)

ii) Notwithstanding any other provision of this order, if a digital document is not filed in due course because of: (1) an interruption in service; (2) a transmission error that is not the fault of the transmitter; or (3) a processing failure that occurs after receipt, the Court may order, either on its own motion or by noticed motion submitted with a declaration for Court consideration, that the document be deemed filed and/or that the document's filing date conform to the attempted transmission date.

8) EX PARTE APPLICATIONS

a) Ex parte applications and all documents in support thereof must be electronically filed no later than 10:00 a.m. the court day before the ex parte hearing.

- b) Any written opposition to an ex parte application must be electronically filed by 8:30 a.m. the day of the ex parte hearing. A printed courtesy copy of any opposition to an ex parte application must be provided to the court the day of the ex parte hearing.

9) PRINTED COURTESY COPIES

- a) For any filing electronically filed two or fewer days before the hearing, a courtesy copy must be delivered to the courtroom by 4:30 p.m. the same business day the document is efiled. If the efiled is submitted after 4:30 p.m., the courtesy copy must be delivered to the courtroom by 10:00 a.m. the next business day.
- b) Regardless of the time of electronic filing, a printed courtesy copy (along with proof of electronic submission) is required for the following documents:
- i) Any printed document required pursuant to a Standing or General Order;
 - ii) Pleadings and motions (including attachments such as declarations and exhibits) of 26 pages or more;
 - iii) Pleadings and motions that include points and authorities;
 - iv) Demurrers;
 - v) Anti-SLAPP filings, pursuant to Code of Civil Procedure section 425.16;
 - vi) Motions for Summary Judgment/Adjudication; and
 - vii) Motions to Compel Further Discovery.
- c) Nothing in this General Order precludes a Judicial Officer from requesting a courtesy copy of additional documents. Courtroom specific courtesy copy guidelines can be found at www.lacourt.org on the Civil webpage under "Courtroom Information."

10) WAIVER OF FEES AND COSTS FOR ELECTRONICALLY FILED DOCUMENTS

- a) Fees and costs associated with electronic filing must be waived for any litigant who has received a fee waiver. (California Rules of Court, rules 2.253(b)(), 2.258(b), Code Civ. Proc. § 1010.6(d)(2).)
- b) Fee waiver applications for waiver of court fees and costs pursuant to Code of Civil Procedure section 1010.6, subdivision (b)(6), and California Rules of Court, rule 2.252(f), may be electronically filed in any authorized action or proceeding.

11) SIGNATURES ON ELECTRONIC FILING

For purposes of this General Order, all electronic filings must be in compliance with California Rules of Court, rule 2.257. This General Order applies to documents filed within the Civil Division of the Los Angeles County Superior Court.

This First Amended General Order supersedes any previous order related to electronic filing, and is effective immediately, and is to remain in effect until otherwise ordered by the Civil Supervising Judge and/or Presiding Judge.

DATED: May 3, 2019



Kevin C. Brazile

KEVIN C. BRAZILE
Presiding Judge